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Regulations and Non-Regulatory Revisions to State Implementation Plan: Idaho

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Idaho

By

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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

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U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Idaho, EPA-450/2-80-019, prepared under Contract 68-02-3388, July 31, 1980.

according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF IDAHO SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
12/13/79	-	44FR72120	Settlement Agreement reached between the Bunker Hill Co. and EPA for the control of SO2 at the Bunker Hill complex.

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A. GENERAL PROVISIONS

SECTION 1

INTRODUCTION

On April 30, 1971, the U. S. Environmental Protection Agency (EPA) adopted certain national primary and secondary ambient air quality standards (Federal Register Vol. 36, No. 87) under authority of Section 109 of the Clean Air Act, as amended (Public Law 91-604; 84 Stat. 1676). Under Section 110 of this Federal law, each state is required to adopt and submit to the Administrator of EPA a plan which provides for the implementation, maintenance, and enforcement of national ambient air quality standards within each air quality control region (or portion thereof) within the state.

It is the intent of these rules and regulations to comply with the federal law and to eliminate, or abate, air pollution in conformance with the 1972 Idaho Session Laws, Chapter 347, Section 5 (1). These regulations are adopted in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code.

These rules and regulations may be modified from time to time, as additional information on air contaminants, sources of air pollution and ambient air quality levels are developed and evaluated.

SECTION 2

DEFINITIONS

A. Act means the Idaho Air Pollution Control Act as amended. (Idaho Code Title 39, Chapter 29)

B. Air Contaminant means dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon or particulate matter or any combination thereof.

C. Air Pollution means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health and welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

D. Air Quality means the specific measurement in the ambient air of a particular air contaminant at any given time.

E. Air Quality Criterion means the information used as guidelines for decisions when establishing air quality goals and air quality standards.

F. Ambient Air means the surrounding or outside air.

G. Area Source means any small residential, governmental, institutional, commercial, or industrial fuel combustion operations; onsite waste disposal facility; motor vehicles, aircraft, vessels, or other transportation facilities; or other miscellaneous sources.

H. ASTM means the American Society for Testing and Materials.

I. BTU means British Thermal Unit.

J. Certificate of Registration means a certificate presented to a new or modified source certifying that the source has registered as provided by State law.

K. Collection Efficiency means the overall performance of the air cleaning device in terms of ratio of materials collected to total input to the collector unless specific size fractions of the contaminant are stated or required.

L. Commission means the Idaho Air Pollution Control Commission created by the Air Pollution Control Act (Idaho Code Title 39, Chapter 29) or the Commission Staff or the Air Pollution Control System.

M. Control Equipment means any method, process or equipment which removes, reduces or renders less noxious, air contaminants discharged into the atmosphere.

N. Controlled Emission means an emission which has been treated by control equipment to remove all or part of an air contaminant before release to the atmosphere.

O. Settleable Particulate is particulate matter which is emitted into the atmosphere such that it may deposit onto horizontal surfaces due to gravitational settling.

P. Emission means the act of releasing or discharging air pollutants into the ambient air from any source.

Q. Emission Standard means a limitation on the release of an air contaminant to the ambient air.

R. Equivalent Air-Dried Kraft Pulp means pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

S. Existing Source means any air contamination source that exists, is installed, or is under construction on the adopted date of these regulations.

T. Fuel-Burning Equipment means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

U. Fugitive Dust means solid, airborne particulate matter emitted from any source other than through a stack.

V. Hot-Mix Asphalt Plant means those firms conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening classifying, measuring and mixing the aggregate and asphalt for the purposes of paving, construction, industrial, residential or commercial use.

W. Incinerator means any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration.

X. Industrial Process means any step in a manufacturing operation which results in the emission of particulate matter to the atmosphere.

Y. Kraft Pulping means any pulping process which uses, for cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide.

Z. Monitoring means sampling and analysis, in a continuous or non-continuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air contaminants.

AA. Multiple Chamber Incinerator means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.

BB. New Source means any stationary source, the construction or modification of which is commenced after the effective date of this regulation.

CC. Non-Condensibles means gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified.

DD. Odor means the sensation resulting from stimulation of the human sense of smell.

EE. Opacity means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

FF. Open Burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct, or chimney.

GG. Particulate Matter means any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions.

HH. Person means any person, corporation, firm, partnership or any state or local governmental entity.

II. Portable Hot-Mix Asphalt Plant means those asphalt plants or equipment which are designed to be dismantled and transported from one job site to another job site.

JJ. ppm (parts per million) means parts of a gaseous contaminant per million parts of gas by volume.

KK. Primary Ambient Air Quality Standard means that air quality which, allowing an adequate margin of safety, is requisite to protect the public health.

LL. Process or process equipment means any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air contaminant into the outdoor open air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment.

MM. Process Weight means the total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air.

NN. Process Weight Rate means the rate established as follows: For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

OO. Salvage Operations means any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards.

PP. Secondary Ambient Air Quality Standard means that air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air.

QQ. Show-Cause Order means an order issued by the Department to a source which is requesting permission for construction and which the Department, after reviewing their construction plans, has reason to believe may violate a regulation of the Department or contribute to air pollution. The order requires that the source give reason as to why construction of modification of the source should not be halted.

RR. Smoke means small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material.

SS. Source means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, or the facility, equipment or other property by which the emission is caused or from which the emission comes.

TT. Source Operation means the last operation preceding the emission of air contaminants, when this operation:

(1) Results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of fuel combustion, and,

(2) Is not an air cleaning device.

UU. Stack means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

VV. Standard Conditions means a dry gas temperature of 70°F. and a gas pressure of 14.7 pounds per square inch absolute.

WW. TRS (total reduced sulfur) means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present.

XX. Ringelmann Smoke Chart means the chart published and described in the U. S. Bureau of Mines Information Circular 8333.

YY. Uncontrolled Emission means an emission which has not been treated by control equipment or in some cases, the emission before treatment by control equipment.

ZZ. Wigwam Burner means wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes.

AAA. Backgroud Level means the value assigned to the quantity of particulate or gaseous material in ambient air which originates from natural sources uninfluenced by the activity of man.

BBB. Stationary Source means any building structure, facility, or installation which emits or may emit any air pollutant.

CCC. Modification means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant (to which a standard applies) emitted by such source or which results in the emission of any air pollutant (to which a standard applies) not previously emitted except that: (1) routine maintenance, repair and replacement shall not be considered physical changes, and (2) the following shall not be considered a change in the method of operation.

a. An increase in the production rate if such increase does not exceed the operating design capacity of the affected facility;

b. An increase in hours of operation.

c. Use of an alternative fuel or raw material if prior to the date any standard under this part becomes applicable to such facility, the affected facility is designed to accomodate such alternative use.

DDD. Pilot Plant means any scaled-down working model of an existing or proposed facility. Such pilot plant shall not have a design capacity in excess of 1/10 that of the full scale facility of which it is a model.

EEE. Department means the Department of Health and Welfare.

FFF. Indirect Source means any building, structure, facility or installation the operation or use of which at the location proposed, may indirectly result in an increase in ambient air concentrations of any motor vehicle related pollutant for which there is a State or Federal ambient air quality standard. Such sources may include but are not limited to:

(a) Highways and roads

(b) Parking lots and garages

(c) Retail facilities

(d) Recreational centers and amusement parks

(e) Sports stadiums

(f) Airports

(g) Commercial or industrial developments.

GGG. Construction means fabrication, erection or installation of a source.

HHH. Commence Construction or Modification means to engage in a continuous program of construction or modification, or to engage in a program of planned incremental development, including site clearing, grading, dredging, or landfilling, specifically designed for the source in preparation for the fabrication, erection, or installation of the building components of the source. For the purpose of this Regulation, delays or interruptions resulting from Acts of God, strikes, litigation, or other matters beyond the control of the owner, shall be disregarded in determining whether a construction or modification program has commenced and/or is continuous.

III. Urbanized Area means any area within the city limits of, or within five (5) miles of the city limits of any city with a population of more than 10,000 persons.

JJJ. Ambient Air Quality Violation means any single ambient concentration of any air contaminant that exceeds any national, state, or local ambient air quality standard at any point in an area outside the source property line.

KKK. Emission Standard Violation means any emission rate that exceeds the standards set forth in these Regulations, in permits issued by the Department or any other legally enforceable document developed by the Department.

LLL. Malfunction means any sudden and unavoidable failure of air pollution control equipment, process equipment or process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or equipment breakdown shall not be considered malfunctions.

MMM. Permittee - any person or other legal entity which is legally responsible for a source of air contamination of the atmosphere.

NNN. Air Pollution Source Permit - a final order issued by the Department which contains specific emission limits and standards for a source in accordance with environmental laws, rules, regulations,and standards of the State of Idaho.

OOO. Board - Idaho Board of Health and Welfare.

PPP. Director - the Director of the Department of Health and Welfare.

QQQ. Notice - defined by Idaho Code.

RRR. Department - Idaho Department of Health and Welfare.

SECTION 3

REGISTRATION AND PERMIT PROCEDURES FOR STATIONARY SOURCES

A. Registration of Existing Sources

All existing sources shall register within 90 days after the effective date or upon relocation on forms provided by the Department.

B. Permits For New and Modified Sources

No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining a Permit to Construct from the Department.

1. Application for Permit to Construct or Modify shall be made on forms furnished by the Department, or by other means prescribed by the Department.

2. A separate application is required for each source.

3. Each application shall be signed by the applicant.

4. Each application shall be accompanied by site information, plans, description specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner of which it will be operated and controlled.

5. Any additional information, plans, specifications, evidence or documentation that the Department may require shall be furnished upon request.

C. General Procedures

1. No permit to Construct or Modify shall be granted unless the applicant shows to the satisfaction of the Department that:

   a. The source will operate without causing a violation of any local, State or Federal Air Pollution Control Regulation.

   b. The source will not prevent or interfere with attainment or maintenance of any national standard.

2. The Department will act within 60 days on an application and will notify the applicant in writing on approval, conditional approval or denial of the application. The Department will set forth reasons for any denial.

3. The Department may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

a. Sampling ports of a size, number, and location as the Department may require.

b. Safe access to each port.

c. Instrumentation to monitor and record emission data.

d. Any other sampling and testing facilities as may be deemed necessary.

4. The Department may cancel an approval if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

5. Any owner or operator subject to the provisions of this regulation shall furnish the Department written notification as follows:

a. A notification of the anticipated date of initial start-up of the source not more than 60 days or less than 30 days prior to such date.

b. A notification of the actual date of initial start-up of the source within 15 days after such date.

6. Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial start-up of such source, the owner or operator of such source may be required to conduct a performance test in accordance with methods and under operating conditions approved by the Department and furnish the Department a written report of the results of such performance test.

a. Such test shall be at the expense of the owner or operator.

b. The Department may monitor such test and may also conduct performance tests.

c. The owner or operator of a source shall provide the Department 15 days prior notice of the performance test to afford the Department the opportunity to have an observer present.

D. Exemptions

No registration or permit to construct is required for the following classes of equipment:

1. Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from equipment.

2. Air contaminant detectors or recorders, combustion controllers, or combustion shutoffs.

3. Fuel burning equipment for indirect heating and for heating and reheating furnaces using gas exclusively with a capacity of less than 50 million BTU per hour input.

4. Other fuel burning equipment for indirect heating with a capacity of less than one million BTU per hour input.

5. Mobile internal combustion engines, marine installations and locomotives.

6. Laboratory equipment used exclusively for chemical or physical analysis.

7. Pilot plants with written approval from the Administrator, renewable annually, the products from which are not offered for sale except in developmental quantities.

8. Any other class or size of equipment specifically exempted by the Department.

E. Issuance of a Permit to Construct or Modify or Certificate of Registration shall not relieve any owner or operator of the responsibility to comply with all applicable local, State, and Federal regulations.

SECTION 5

Reporting

A. The Department, in furtherance of its duties granted by the 1972 Idaho Session Laws, Chapter 347, Section 5 (1), may require a person engaged in an activity which may violate the Air Pollution Control Act or any rules or regulations adopted thereunder to:

1. Prepare a schedule whereby the unlawful activity will be brought into compliance over a specified period of time;

2. Submit periodic reports to the Department indicating progress in achieving compliance;

3. Keep and maintain appropriate records or to monitor air contaminants at the source, in the ambient air, or in vegetation to demonstrate compliance;

4. Develop emergency episode plans to help prevent ambient air pollution concentrations from reaching levels which would cause substantial endangerment to health.

5. Any emission standard violation due to a malfunction must be reported to the Department no later than the end of the working day following the occurrence, unless otherwise specified by the Department.

B. The Administrator, after hearing, may require such compliance schedules, periodic reports, records and monitoring, or emergency episode plans for an individual pollution source or for an entire group or class of such pollution sources.

C. All reports and information submitted to the Department shall be provided in a format approved by the Department.

D. Any records or information furnished to the Department shall be subject to the confidentiality provisions of Section 114 of the 1970 Federal Clean Air Act.

SECTION 6

Scheduled Maintenace

Emissions exceeding any of the limits established in these regulations. as a direct result of the shutdown of any air pollution equipment for scheduled maintenance while the related production equipment continues to operate, shall require the following:

A. Such occurrence shall be reported in writing to the Department as soon as reasonably possible; and permission from the Department must be received prior to such a shutdown.

B. Permission may be granted only in those cases where the maximum reasonable effort, including off-shift labor where required, has been made to accomplish such maintenance during periods of non-operation of any related source operations or equipment.

C. The person responsible for such emission shall, with all practicable speed, initiate and complete appropriate action to correct the conditions causing such emissions to exceed said units; to reduce the frequency of occurrence of such conditions; to minimize the amount by which said limits are exceeded; and shall, upon request of the Department, submit a full report of such occurrence.

D. Persons responsible for operating equipment that might exhaust harmful contaminants during maintenance shutdowns, shall provide auxiliary pollution abatement equipment to maintain levels below those harmful to man, animals, and vegetation, or reduce production levels to meet such requirements.

SECTION 7

Variances*

A. Petition. A variance proceeding shall be commenced by filing three copies of a petition for variance with the Administrator. The complaint may be accompanied by such affidavits or other proof as the petitioner may submit in order to make it possible for the Administrator, if he so desires, to dispose of the matter without a hearing. The petition shall contain the following:

1. A concise statement of the facts upon which the variance is requested, including a description of the business or activity in question; the quantity and type of raw materials processed; an estimate of the quantity and type of comtaminants discharged; a description of existing and proposed equipment for the control of discharges; and a time schedule for bringing the activity into compliance;

2. A concise statement of why the petitioner believes that compliance with the provision from which variance is sought

* Variance from indirect source regulation for urban renewal project in Boise. See non regulatory Federal Register Publication 10/23/80

would impose an arbitrary or unreasonable hardship, including a description of the costs that compliance would impose on the petitioner and other, and of the injury that the grant of the variance would impose on the public; and

3. A clear statement of the precise extent of the relief sought.

B. Notice. The Department shall give notice of all variance petitions as required by law.

C. Investigation and Recommendation. After investigating the variance petition and considering the views of person who might be adversely affected by the grant of the variance, the Department staff shall within 21 days after the filing of the petition, make a recommendation to the Administrator as to the disposition of the petition. The recommendation, a copy of which shall be served on the petitioner, shall include:

1. A description of the efforts made by the Staff to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained;

2. A statement of the degree to which, if at all, the Staff disagrees with the facts as alleged in the petition;

3. Allegations of any other facts the Staff believes relevant to the disposition of the petition;

4. The Staff's assessment of the costs that compliance would impose on the petitioner and on others and of the injury that the grant of the variance would impose on the public; and

5. The Staff's reasoned recommendations as to what disposition should be made of the petition.

D. Objections to Petition. Any person may file with the Department within twenty-one days after the filing of the petition, a written objection to the grant of the variance. A copy of such objection shall be provided by the Department to the petitioner.

E. Authorization of Hearing. If no objection is made by the Staff or by any other person to the grant of the variance within 21 days after the filing of the petition, the Administrator shall authorize a hearing unless it determines either:

1. That even if all the facts alleged in the petition are true, the petitioner is not entitled to a variance; or

2. That the petitioner has shown from affidavits or other proof that compliance with the provisions from which variance is sought would impose an arbitrary or unreasonable hardship.

No variance shall be granted, with or without hearing, without adequate proof by the petitioner that compliance would impose an arbitrary or unreasonable hardship.

If the Administrator decides not to hold a hearing, he shall pass upon the petition and shall prepare an opinion stating his reasons both for the grant or denial of the petition and for his decision not to hold a hearing.

The Administrator may authorize a hearing without waiting for the expiration of the 21 days during which objections may be filed, but shall not rule upon the petition without hearing until the 21 days have elapsed.

F. Notice of Hearing. The Hearing Officer, after appropriate consultation with the parties, shall set a time and place for hearing and shall give notice to the petitioner, the Administrator, and anyone who has filed an objection to the petition at least 21 days prior to the date of the hearing. The hearing shall be set for a date no later than 60 days after the filing of the petition. Any request by the petitioner for a continuance shall constitute a waiver of the right to a decision within 90 days, under Section 38 of the Act, for the period of the continuance.

G. Decision. The Administrator shall render a final decision on the petition within 90 days after the filing of the petition, except that time included in a continuance granted at the request of the petitioner shall not be counted. When exigencies of time require, the Administrator may delay the filing of an opinion until not more than 30 days after the filing of its final order under this SECTION.

H. Variance from New Regulation. If any person files a petition for variance from a regulation within 20 days after the effective date of such a regulation, the operation of such regulation shall be stayed as to such person, pending the dispositon of the petition. The Administrator may hold a hearing upon said petition within five days from the notice of such hearing, but in all other respects, the rules in this Section shall apply to the extent they are consistent with the hearing date set by the hearing officer.

SECTION 8

Circumvention

No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminants which would otherwise violate these rules and regulations.

SECTION 9

Total Compliance

Where more than one ambient air quality standard or emission standard may apply to a particular situation, all such standards must be met for total compliance, unless otherwise provided for in these rules and regulations.

SECTION 10

Sampling and Analytical Procedures

All sampling and analytical procedures shall be as approved by the Department. A procedures manual to be entitled "Procedures Manual for Air Pollution Control" shall be published and maintained by the Department staff. The procedures manual is available upon request.

SECTION 11

Provisions Governing Specific Activities

A. Toxic Substances. Any contaminant which is by its nature toxic to human or animal life or vegetation, but is not specifically controlled elsewhere in these rules and regulations, shall not be emitted in such quantities or concentrations as to alone, or in combination with other contaminants, injure or unreasonably affect human or animal life or vegetation. As information becomes available, limits will be specified for concentration of toxic materials in the ambient air and emission limits will be set accordingly.

B. Modifying Physical Conditions. When physical conditions such as tall adjacent buildings, valley and mountain terrain, etc., are such as to limit the normal dispersion of air contaminants, the Board may set more restrictive emission limitations on those sources affected by the usual conditions when air quality standards would reasonably be expected to be exceeded.

C. Source Density. Should areas develop where an individual source is meeting the requirements of these rules and regulations, yet the ambient air quality standards are being exceeded or might reasonably be expected to be exceeded, the Board may set more restrictive emission limits than are contained in these rules and regulations.

B. AIR POLLUTION EMERGENCY REGULATION

SECTION 1

PURPOSE

The purpose of this regulation is to define criteria for an air pollution emergency, to formulate a plan for preventing or alleviating such an emergency, and to specify rules and regulations for carrying out the plan. The procedures for implementing this regulation are delineated in Chapter XII of the State Implementation Plan.

SECTION 2

EPISODE CRITERIA

In order to prevent air quality in any area of the state from degrading to the point where the public health would be substantially endangered, the Department is specifying four stages or levels of atmospheric stagnation and/or degraded air quality. At each of these levels, a different emergency action plan will go into effect for the stricken area. These stages consist of:

Stage 1 - Air Pollution Forecast: An internal watch by the Department shall be actuated by a National Weather Service report that an Atmospheric Stagnation Advisory to be issued, or the equivalent local forecast of stagnant atmospheric conditions.

Stage 2 - Alert: This is the first stage at which air pollution control actions by industrial sources are to begin.

Stage 3 - Warning: the warning level indicates that air quality is continuing to degrade and that further control actions are necessary.

Stage 4 - Emergency: The emergency level indicates that air quality is continuing to degrade to a level that will endanger the public health and that the most stringent control actions are necessary.

Once an episode stage is reached, emergency action corresponding to that level will remain in effect until air quality measurements indicate that another stage (either lower or higher) has been attained. At such time, actions corresponding to the next level will go into effect. This procedure will continue until the episode is terminated.

The air quality criteria defining each of these episode stages are presented in Figure VII-1. The 24-hour average ambient concentration of particulate matter, measured either in micrograms per cubic meter (ug/m^3) or as a coefficient of haze (COHs), is presented along the

horizontal axis. The vertical axis presents the 24-hour average ambient concentration of sulfur dioxide, measured either in parts per million (ppm) or in micrograms per cubic meter (ug/m^3).

SECTION 3

PUBLIC NOTIFICATION

A. On the basis of degrading air quality as determined by the Department, and the criteria for emergency episode levels as shown in Figure VII-1, the Department will utilize appropriate news media to insure that the following information is announced to the public:

1. Definition of the extent of the problem.

2. Indication of the action taken by the Department of Environmental Protection and Health.

3. Air pollution forecast for next few days.

4. Notice of when the next statement from the Department of Environmental Protection and Health will be issued.

5. Listing of all general procedures which the public, commercial, institutional and industrial sectors are required to follow.

6. Specific warnings and advice to those person who because of acute health problems, may be most susceptible to the effects of the episode.

Such announcements will be made by the news media during regularly scheduled television and radio news broadcasts and in all editions of specified newspapers. In addition, when the stage 4 emergency level is reached, television and radio stations designated by the Department will repeat these announcements at one-hour intervals during normal broadcasting hours.

B. The Department will assure that all significant source of air contaminants are notified of the emergency level by telephone, or other appropriate means.

SECTION 4

GENERAL RULES

All persons in the designated stricken area shall be governed by the following rules for each emergency episode level:

A. Level 1 - Air Pollution Forecast

1. There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form (including those

categories that are normally allowed under the Open Burning Regulation).

B. Level 2 - Alert

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste (except those conical burners for which specific Abatement Plans exist) shall be limited to the hours between 12 noon and 4 p.m.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Commercial, industrial or institutional facilities utilizing coal or residual fuel oils are required to switch to natural gas or distillate oil if available.

C. Level 3 - Warning

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited (except those conical burners for which specific Abatement Plans exist).

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

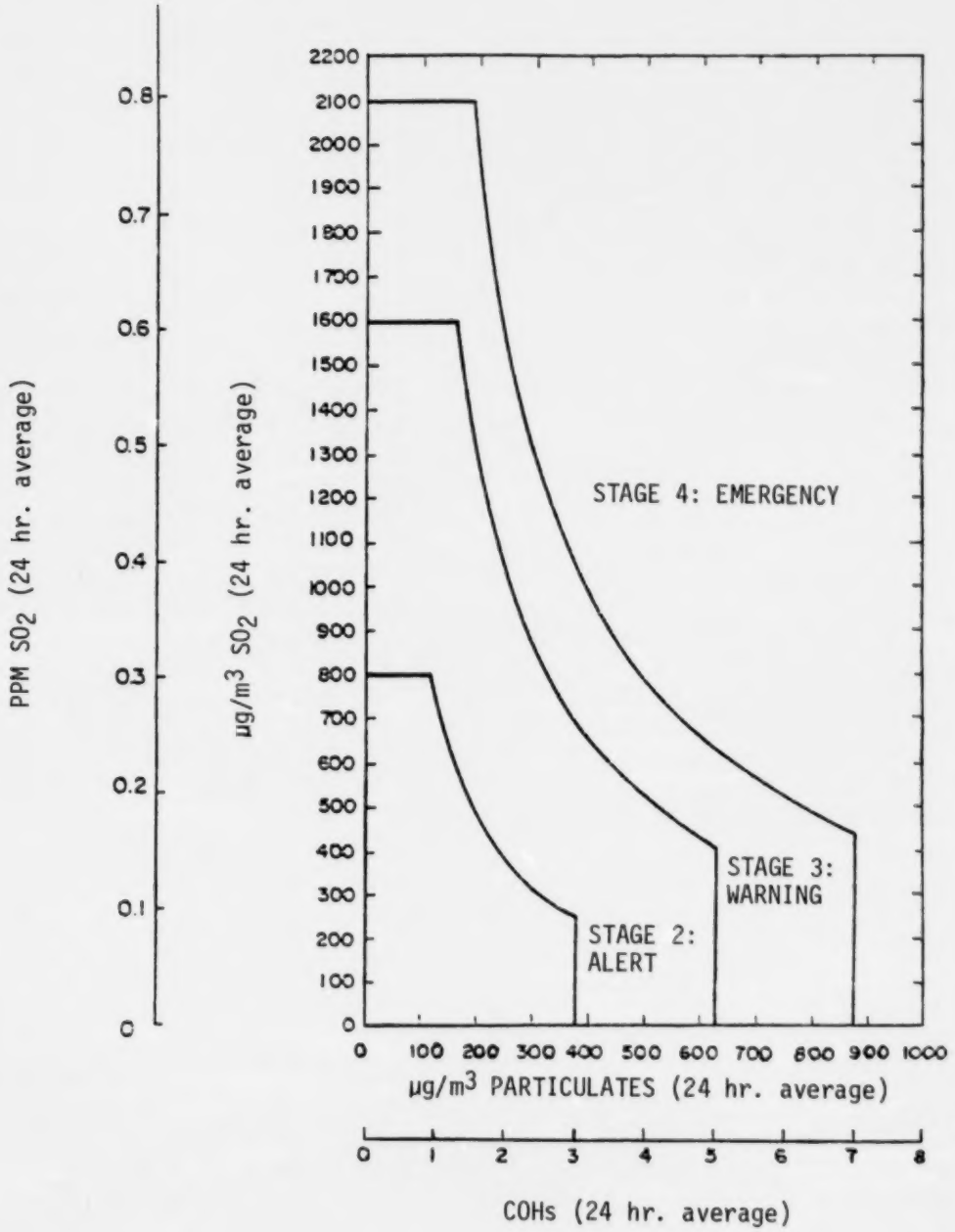
4. Commercial industrial and institutional facilities utilizing coal or residual fuel are required to either:

   - switch completely to natural gas or distillate oil.

   - if these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment.

FIGURE VII-1

EMERGENCY EPISODE AIR POLLUTION CRITERIA



D. Level 4 - Emergency (called only with specific concurrence of Governor)

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations:

   a. Mining and quarrying of nonmetallic minerals.

   b. All construction work except that which must proceed to avoid emergent physical harm.

   c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

   d. All wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food.

   e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

   f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

   g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

   h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photography studios; beauty shops, barber shops, shoe repair shops.

   i. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopy, mailing, mailing list and steno-

graphic services; equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operation which emit air pollutants to the extent possible without causing injury to persons or damage to equipment. These action include limiting boiler lancing or soot blowing operations for fuel burning equipment to between the hours of 12 noon and 4 p.m.

SECTION 5

SPECIFIC EMERGENCY EPISODE ABATEMENT PLANS FOR POINT SOURCES

In addition to the general rules presented in Section 4 above, the Department shall require that specific point sources adopt and implement their own Emergency Episode Abatement Plans in accordance with the criteria set forth in Section 2 above. An individual plan be revised periodically by the Department after consultation between the Department and the Point Source.

C. AMBIENT AIR QUALITY STANDARDS

SECTION 1

PURPOSE

It is the purpose of this regulation to establish air quality standards for the State of Idaho which define acceptable ambient concentrations of air contaminants consistant with established air quality criteria.

SECTION 2

GENERAL

A. The air quality standards established herein shall apply to all of the State outside a source property line.

B. Where applicable air quality measurements shall be corrected to a reference temperature of 70° F. and to a reference pressure of 14.7 pounds per square inch absolute.

C. At such time as additional pertinent information becomes available with respect to air quality criteria, such information shall be considered and new or revised air quality standards promulgated as required.

D. The absence of an air quality standard for a specific contaminant shall not preclude action by the Department to control such contaminants to assure the health, welfare and comfort of people of the State.

E. All measurement techniques for determining compliance with national Ambient Air Quality Standards shall be approved by EPA.

SECTION 3

PARTICULATE MATTER

A. Primary air quality standards are:

1. 75 micrograms per cubic meter--annual geometric mean.

2. 260 micrograms per cubic meter--maximum 24 hour concentration not to be exceeded more than once per year.

B. Secondary air quality standards are:

1. 60 micrograms per cubic meter--annual geometric mean.

2. 150 micrograms per cubic meter--maximum 24 hour concentration not be be exceeded more than once per year.

SECTION 4

SULFUR OXIDES (SULFUR DIOXIDE)

A. Primary air quality standards are:

1. 80 micrograms per cubic meter (0.03 ppm) - annual arithmetic mean.

2. 365 micrograms per cubic meter (0.14 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

B. Secondary air quality standards are:

1. 1,300 micrograms per cubic meter (0.50 ppm) - maximum 3-hour concentration not to be exceeded more than once per year.

C. When more than one standard is applicable, the interpretation that results in the most stringent standard shall apply.

SECTION 5

PHOTOCHEMICAL OXIDANTS

A. Primary and secondary air quality standards are:

1. 160 micrograms per cubic meter (0.08 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

SECTION 6

HYDROCARBONS

A. Primary and secondary air quality standards, as measured and corrected for methane, are:

1. 160 micrograms per cubic meter (0.24 ppm) - maximum 3-hour concentration (between 6 a.m. and 9 a.m.) not to be exceeded more than once per year.

B. The hydrocarbon air quality standard is for use as a guide in determining hydrocarbon emission control required to achieve the photochemical oxidant standards.

TABLE VII-1

MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL LIMITS*

Conc (c) in ppm (vol.)	Total Cumulative Daily Exposure Duration (t) in Hours		Total Cumulative Monthly Exposure Duration (t) in Hours	
	Between Sunrise and Sunset	Between Sunrise and next Succeeding Sunrise	During Hours Between Sunrise and Sunset	Anytime During Month
Column 1	Column 2	Column 3	Column 4	Column 5
1.51 or over	0.05	0.10	1.00	2.00
1.5	0.62	1.24	4.40	8.80
1.4	0.67	1.34	5.10	10.20
1.3	0.73	1.46	5.90	11.80
1.2	0.80	1.60	6.90	13.80
1.1	0.89	1.78	8.30	16.60
1.0	1.00	2.00	10.00	20.00
0.9	1.14	2.28	12.40	24.80
0.8	1.33	2.66	15.60	31.20
0.7	1.60	3.20	20.40	40.80
0.6	2.00	4.00	27.80	55.60
0.5	2.67	5.34	40.00	80.00
0.4	4.00	8.00	62.50	125.00
0.3	8.00	16.00	111.00	222.00

Interpolation of Columns 2, 3, 4 and 5 shall be based on the formula:

$t = \frac{0.8}{c-0.2}$, $t = \frac{1.6}{c-0.2}$, $t = 10/c^2$, and $t = 20/c^2$ respectively

SECTION 7

NITROGEN DIOXIDE

A. Primary and secondary air quality standards are:

1. 100 micrograms per cubic meter (0.05 ppm) - annual arithmetic mean.

SECTION 8

CARBON MONOXIDE

A. Primary and secondary air quality standards are:

1. 10 milligrams per cubic meter (9 ppm) - maximum 8-hour concentration not to be exceeded more than once per year.

2. 40 milligrams per cubic meter (35 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

SECTION 9

SETTLEABLE PARTICULATE

A. Primary and secondary air quality standards are:

1. 0.8 milligrams per square centimeter per month not to be exceeded more than 25% of the time.

SECTION 10

SULFURIC ACID MIST

A. Primary and secondary air quality standards are:

1. 12 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per month.

2. 30 micrograms per cubic meter - maximum 1-hour concentration not to be exceeded more than twice per week.

SECTION 11

FLUORIDES

A. Primary and secondary air quality standards are those concentrations in the ambient air which result in a total fluoride content in vegetation used for feed and forage of no more than:

1. 40 parts per million, dry basis - annual arithmetic mean.

2. 60 parts per million, dry basis - monthly concentration for two consecutive months.

3. 80 parts per million, dry basis - monthly concentration never to be exceeded.

SECTION 12

BERYLLIUM

A. Primary and secondary air quality standards are:

1. 0.01 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per year.

D. REGULATION FOR CONTROL OF OPEN BURNING

SECTION 1

INTRODUCTION

A. Purpose

The purpose and intent of this regulation is to eliminate all forms of open burning except those for which an alternate means of producing a similar public benefit does not exist.

B. Non-exemption from other jurisdiction

The authority to continue certain forms of open burning under provisions of this regulation does not exempt or excuse a person from the consequent damage or injuries which may result from such conduct, nor exempt a person from complying with applicable laws and ordinances of other governmental jurisdiction not in conflict with these regulations.

C. Local Control

This regulation is not intended to interfere with the rights of city or county government to provide equal or more stringent control of open burning within their respective jurisdictions.

SECTION 2

GENERAL RESTRICTIONS

A. Notwithstanding the provisions of subsection B of this section, no person shall allow, suffer, cause or permit the open burning of materials which emit toxic contaminants or large volumes of smoke, particulates or odors (such materials are garbage, rubber, plastics, heavy petroleum products, dead animals, etc.).

B. No person shall allow, suffer, cause or permit any open burning operation which does not fall into at least one of the categories of Section 3.

C. Any open burning operation that would normally be allowed by Section 3 of this regulation, but is determined to be a nuisance, hazard, or source of air pollution, shall be prohibited.

SECTION 3

CATEGORIES OF ALLOWABLE BURNING

A. Fires used for the preparation of food, campfires and fires for recreational purposes, under control of a responsible person.

B. Fires used for control or alleviation of fire hazard or for weed control when no alternate control method exists. When such burning requires a permit from an organized fire-fighting agency having proper jurisdiction, issuance of such permit shall be based on consideration of potential environmental damage and suitability of alternate methods in addition to other factors.

C. Fires used in the training of organized fire-fighting personnel.

D. Properly operated industrial flares for combustion of flammable gases.

E. Readily combustible rubbish produced by operation of a domestic household may be burned on the property from which the rubbish was generated if no public or commercial solid waste collection service is available and the property is located in an area of low population density, defined as having fewer than 100 dwelling units per square mile. This shall include tree leaves and gardening waste. Rubbish is defined in the Idaho Solid Waste Control Regulations and Standards as "non-putrescible solid waste except abandoned vehicles and car bodies or car body parts, industrial solid waste and agricultural solid waste."

F. Burning at community tree disposal areas and private disposal sites shall be in compliance set forth in the Idaho Solid Waste Control Regulations and Standards.

G. Open burning of junked motor vehicles will be permitted under the following conditions until December 31, 1971:

1. The persons responsible for the burning of a salvage operation shall contact a State Air Pollution Control Office of proper jurisdiction to obtain a weather evaluation and permission to burn on that day.

2. No burning will be allowed on Saturday or Sunday.

3. Burning hours will be 10:00 a.m. - 4:00 p.m. unless otherwise stated.

4. Number of units to be burned at any one location at one burn shall be limited to 100 unless otherwise stated.

5. Tires and floormats shall be removed prior to burning.

6. Every reasonable effort will be made on the part of the salvage operation to prepare the units in such a manner that rapid and efficient combustion will occur.

Any burning of motor vehicles after December 31, 1971, if determined by the Department to be necessary, shall be conducted at one or several centralized locations. Such locations shall be

approved by the Idaho Department of Environmental Protection and Health.

H. The open burning of plant life grown on the premises in the course of any agricultural, forestry, or land clearing operation may be permitted when it can be shown that such burning is necessary and that no fire or traffic hazard will occur. Convenience of disposal is not of itself a valid necessity for burning.

1. It shall be the responsibility of any person conducting such burning to make every responsible effort to burn only when weather conditions are conducive to a good smoke dissipation and only when an economical and reasonable alternate method of disposal is not available.

2. When such alternate method is made available, it shall be put into use within a reasonable time.

3. Any person conducting an agricultural, forestry, or land clearing burning operation similar to an operation carried out by a governmental agency shall follow the rules and procedures of the agency with regard to minimizing air pollution.

4. When such burning creates air pollution or a public nuisance, additional restrictions may be imposed to minimize the effect upon the environment.

I. Orchard heating is a recognized necessity for protection of crops from frost damage and will be permitted under the following conditions:

1. Open burning of tires and similar type rubber materials is prohibited.

2. After June 1, 1974, the use of stackless open-pot type heaters shall be prohibited.

3. After June 1, 1974, no orchard heating device with visible emission exceeding No. 2 on the Ringelmann Smoke Chart at normal operating conditions shall be used.

4. All heaters purchased after the effective date of these regulations shall emit no more than one (1.0) grams per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with these rules and regulations.

5. A listing of heaters known to meet these standards shall be maintained by the Department and made available upon request.

E. REGULATION FOR CONTROL OF SMOKE AND OTHER VISIBLE EMISSIONS.

SECTION 1

PURPOSE

The purpose of this regulation is to control visible emission from all sources. Such control will alleviate many significant nuisance problems as well as help to achieve and maintain acceptable levels of ambient air quality.

SECTION 2

STANDARD FOR EXISTING SOURCES

No person shall allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

A. Darker in shade than that designated No. 2 (40% density) on the Ringelmann Chart as published by the United States Bureau of Mines; OR

B. Of such opacity as to obscure an observer's view to the same degree as an emission described in A above.

SECTION 3

STANDARD FOR NEW SOURCES

No person shall allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

A. Darker in shade than that designated No. 1 (20% density) on the Ringelmann Chart as published by the United States Bureau of Mines; OR

B. Of such opacity as to obscure an observer's view to the same degree as an emission described in A above.

SECTION 4

POINT OF MEASUREMENT

The density or opacity of an air contaminant shall be measured at the point of its emission if observable, and if not shall be measured at an observable point on the plume nearest the point of emission. When water particulate contributes to the opacity of a visible emission, the measurement shall be made immediately beyond the point where the water particulate dissipates and no longer contributes to the opacity.

SECTION 5

EXCEPTION

This Visible Emission Regulation shall not apply when the presence of water or condensing water vapor is the only reason for the failure of the emission to comply with the requirements of this chapter.

F. REGULATION FOR CONTROL OF FUGITIVE DUST

SECTION 1

Purpose

The purpose of this regulation is to require that all reasonable precautions be taken to prevent the generation of fugitive dust.

SECTION 2

General Rules

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

A. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings and structures, construction operation, the grading of roads, or the clearing of land.

B. Application of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dusts.

C. Installation and use of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

D. Covering, at all times when in motion, open bodied trucks transporting materials likely to give rise to airborne dusts.

E. Conducting of agricultural practices such as tilling of land, application of fertilizers, etc., in such a manner as to limit dust from becoming airborne.

F. Paving of roadways and their maintenance in a clean condition.

G. Prompt removal of earth or other stored material from streets.

G. REGULATION FOR CONTROL OF PARTICULATE EMISSIONS FROM FUEL BURNING EQUIPMENT.

SECTION 1

Purpose

The purpose of this regulation is to establish limits of particulate emission from fossil fuel burning equipment and from hogged fuel boilers.

SECTION 2

General Rules

A. No person shall allow, suffer, cause or permit emissions into the outdoor atmosphere from any fuel burning equipment or to pass a convenient measuring point near the stack outlet, particulate matter in the flue gases to exceed the following standards:

1. For operations with total heat input less than ten million BTU per hour - 0.6 pounds of particulates per million BTU heat input.

2. For operations with total heat input greater than ten billion BTU per hour - 0.12 pounds of particulates per million BTU heat input.

3. For operations with total heat input greater than ten million and ten billion BTU per hour the maximum allowable emission, Y (pounds), shall be determined by the following equation:

$$\text{Log } Y = 0.2300 \log X - 2.0111$$

where X is the total heat input in millions of BTU.

4. Figure VII-1 illustrates these emission standards.

B. Heat input shall be calculated as the aggregate heat content of all fuels (using the upper limit of their range of heating value) whose products of combustion pass through the stack or chimney.

1. When two or more fuel-burning units are connected to a single stack, the combined heat input of all units connected to the stack shall be used to determine the allowable emission from the stack.

2. When a single fuel-burning unit is connected to two or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same unit connected to a single stack.

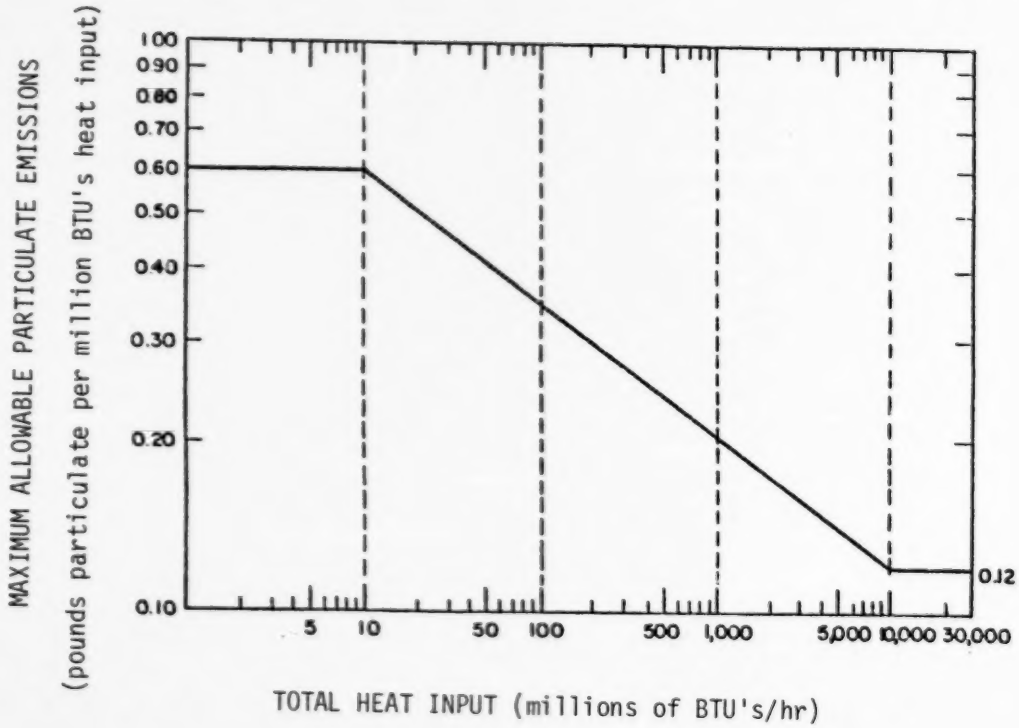
SECTION 3

Exceptions

All fuel burning equipment rated less than one (1) million BTU per hour heat input is exempt from this regulation.

FIGURE VII-2

MAXIMUM ALLOWABLE PARTICULATE EMISSIONS
as a Function of Heat Input



H. REGULATION FOR CONTROL OF PARTICULATE EMISSIONS FROM INDUSTRIAL PROCESS

SECTION 1

Purpose

The purpose of this regulation is to establish particulate emission limits for any operation, process or activity not identified by name and specifically regulated elsewhere in these rules and regulations, and shall apply during normal operation.

SECTION 2

EMISSION LIMITATIONS

No person shall cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in Table VII-2 for the process weight rate allocated to such a process or process equipment. The rate of emission shall be the total of all emission points from the source.

TABLE VII-2

ALLOWABLE RATE OF EMISSION BASED ON

PROCESS WEIGHT RATE*

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

*Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10\ P^{0.67}$, and interpolation and extrapolation of the data for process rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$E = 55.0\ P^{0.11} - 40$, where E = rate of emission in lb/hr and
P = process weight rate in tons/hr.

I. REGULATION FOR SULFUR CONTENT OF FUELS

SECTION 1

PURPOSE

The purpose of this regulation is to prevent excessive ground level concentrations of sulfur dioxide from fuel burning sources in Idaho.

SECTION 2

SULFUR CONTENT IN FUELS

Definitions as used in this regulation:

1. "ASTM" means American Society for Testing and Materials.

2. "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

3. "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils.

SECTION 3

RESIDUAL FUEL OILS

1. After January, 1973, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 2.5 percent sulfur by weight.

2. After January, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

SECTION 4

DISTILLATE FUEL OIL

1. After January, 1973, no person shall sell, distribute, use, or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

   a) ASTM Grade 1 fuel oil - 0.3 percent by weight

   b) ASTM Grade 2 fuel oil - 0.5 percent by weight

SECTION 5

COAL

1. After January 1, 1973, no person shall sell, distribute, use, or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

J. REGULATION FOR CONTROL OF FLUORIDE EMISSIONS

SECTION 1

PURPOSE

The purpose of this regulation is to prevent the emission of fluorides such that the accumulation of fluorine in feed and forage for livestock does not exceed the safe limits specified below.

SECTION 2

GENERAL RULES

A. No person shall allow, suffer, cause or permit the discharge into the atmosphere of fluorine, fluorides, or other fluorine compounds in such quantities that, in combination with all other sources of fluorine, fluorides or other fluorine compounds, both of natural and man-made origins, the total fluoride content in feed and forage exceeds the standards listed in SECTION 12 of the Ambient Air Quality Standards Regulation.

B. Compliance with SUBSECTION A of this SECTION will be adjudged upon the results of the continuing program of fluoride sampling of potential grazing areas and alfalfa growing areas conducted by the Department.

K. REGULATION FOR CONTROL OF ODORS

SECTION 1

PURPOSE

The purpose of this regulation is to control odorous emissions from all sources for which no other gaseous emission control regulations apply.

SECTION 2

GENERAL RULES

A. No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution.

B. No person shall allow, suffer, cause or permit any plan engaged in that processing of animal, mineral, or vegetable matter or chemical processes utilizing animal, mineral or vegetable matter to be operated without employing reasonable measures for the control of odorous emissions including wet scrubbers, incinerators, chemicals or such other measures as may be approved by the Department.

L. REGULATION FOR CONTROL OF INCINERATORS

SECTION 1

PURPOSE

The purpose of this regulation is to prevent excessive emissions of particulate matter from incinerators.

SECTION 2

GENERAL RULES

A. No person shall allow, suffer, cause or permit any incinerator to discharge more than 0.2 pounds of particulates per 100 pounds of refuse burned.

B. No person shall allow, suffer, cause, or permit any new domestic, commerical, industrial, or municipal incinerator to be installed or operated unless the installation and operation complies with the provisions and requirements of the "Multiple-Chamber Incinerator Design Standards for Los Angeles County" or unless such incinerator is found by the Department to be equally effective for the purpose of air pollution control.

SECTION 3

EXCEPTIONS

This regulation does not apply to wigwam burners.

M. REGULATION FOR CONTROL OF MOTOR VEHICLE EMISSIONS

SECTION 1

PURPOSE

The purpose of this regulation is to prevent excessive emission from motor vehicles.

SECTION 2

GENERAL RULES

A. No person shall allow, suffer, cause, or permit the removal, disconnection or disabling of a crankcase emission control system or device, exhaust emission control system or device, fuel evaporative emission control system or device, or any other system or device which has been installed on a motor vehicle in accordance with Federal Laws and regulations while such motor vehicle is operating in the State.

B. No person shall discharge into the ambient air any visible emission from any motor vehicle which is:

1. Darker in shade than smoke designated as No. 2 on the Ringelmann Smoke Chart, or

2. Of such opacity as to obscure an observer's view to a degree greater than does smoke designated as No. 2 on the Ringelmann Smoke Chart (when used as a measure of opacity), except that this restriction shall not apply when condensing water vapor is the only reason for non-compliance.

(NOTE: SECTION 49-835, IDAHO CODE, requires that "The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.")

N. REGULATION FOR CONTROL OF HOT-MIX ASPHALT PLANTS

SECTION 1

PURPOSE

The purpose of this regulation is to establish for hot-mix asphalt plants restrictions on the emission of particulate matter.

SECTION 2

GENERAL RULES

A. Permanent Locations

No person shall cause, allow or permit a hot-mix asphalt plant which is intended to be located in one location or area for an extended period of time to have particulate emissions which exceed the Table of Allowable Rate of Emissions Based on Process Weight Rate.

B. Temporary Locations

1. No person shall cause, allow or permit any portable hot-mix asphalt plant to be operated without a particulate collection system which shall have a collection efficiency of at least 80 percent.

2. No person shall cause, allow or permit to operate

   a. within one-half (1/2) mile of any structure used for a residence, campground, or park,

   b. within five (5) miles of a city limit boundries, or within the boundaries of an incorporated city,

   c. at any location which may cause or create a nuisance or hazard,

   a portable hot-mix asphalt plant so that particulate emissions exceed the Table of Allowable Rate of Emissions Based on Process Weight Rate.

C. Multiple Stacks

In the case of more than one stack to a hot-mix asphalt plant, the emission limitation will be based on the total emission from all stacks.

D. Fugitive Dust Control

No person shall cause, allow or permit a plant to operate that is not equipped with an efficient fugitive dust control system.

The system shall be operated and maintained in such a manner as to satisfactorily control the emission of particulate material from any point other than the stack outlet.

The owner or operator of the plant shall maintain fugitive dust control of the plant premises and plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures. Good operating practices, including water spraying or other suitable measures, shall be employed to prevent dust generation and atmospheric entrainment during operations such as stockpiling, screen changing and general maintenance.

O. REGULATION FOR CONTROL OF KRAFT PULPING MILLS

SECTION 1

PURPOSE

The purpose of this regulation is to establish for kraft pulping mills restrictions additional to the general regulations presented in this Chapter; to formulate a schedule for compliance with the restrictions; and to formalize the policy of the Department concerning emissions control from kraft pulping mills.

SECTION 2

STATEMENT OF POLICY

It is hereby declared to be the policy of the Department to:

A. Require, in accordance with a specific program and timetable, the highest and best practicable treatment and control of emissions through the utilization of technically feasible equipment, devices and procedures;

B. Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data in conjunction with other data on ambient air and local conditions to develop and revise emission standards and air quality standards as necessary, and to determine compliance therewith.

C. Encourage and assist the kraft pulping industry to conduct research and technological development designed to progressively reduce emissions in accordance with specific programs, objectives and time schedules.

D. Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as necessary when new information and technology are developed.

E. Establish more restrictive standards for new mills or for mills expanding existing facilities.

SECTION 3

GENERAL RULES

A. All emission standards in this section are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available.

B. The emission of TRS from all recovery furnace stacks shall not exceed two pounds of sulfur per ton of equivalent air-dried kraft

pulp or, from each recovery furnace stack, seventy ppm expressed as hydrogen sulfide on a dry basis, whichever is the more restrictive. Compliance shall be achieved by December, 1972.

C. The emission of TRS from all recovery furnace stacks shall be further reduced so as not to exceed one-half pound of sulfur per equivalent ton of air-dried kraft pulp, or from each recovery furnace stack seventeen and one-half ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures. Compliance shall be achieved by not later than July, 1975.

D. Non-condensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. Compliance with this requirement shall be achieved by not later than July, 1972.

E. The emission of particulate matter from all recovery furnace stacks shall not exceed four pounds per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.

F. The emission of particulate matter from all lime kilns shall not exceed one pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.

G. The emission of particulate matter material from all smelt tanks shall not exceed one-half pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1972.

SECTION 4

MONITORING AND REPORTING

A. Every kraft mill in the State shall install equipment for the continuous monitoring of TRS.

1. The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continuous sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty minutes.

2. The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

B. Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its sampling program as approved by the Department.

C. Each mill shall submit within sixty days after effective date of this regulation a detailed monitoring program and time schedule for approval by the Department. The equipment shall be ordered within thirty days after the monitoring program has been approved in writing by the Department. The equipment shall be placed in effective operation in accordance with the approved program within ninety days after delivery.

D. Unless otherwise authorized by the Department, data shall be reported by each mill at the end of each calendar month, as follows:

1. Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program.

2. The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds emission standards and the maximum concentration of TRS measured each day.

3. Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program.

4. Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program.

5. Average daily equivalent kraft pulp production in air-dried tons.

6. Other emission data as specified in the approved monitoring program.

E. Each kraft mill shall furnish, upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air contaminants, following procedures set forth in the approved monitoring program.

SECTION 5

SPECIAL STUDIES

A. Special studies, having prior approval of the Department, shall be conducted, and the results thereof submitted to the Department by December, 1972. The studies shall cover the following areas:

1. Evaluation of the emissions of TRS from all other sources within the mill. Other sources means sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage, black liquor oxidations systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

2. Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers.

3. Evaluation of water vapor emissions from all sources within the mill.

B. The Department may require each such additional special studies relevant to air pollution and establish completion dates as necessary.

SECTION 6

EXCEPTIONS

A. The emission limits established under SECTION 3 apply to the specific process as described in the SUBSECTIONS of SECTION 3. These emission limits do not apply to open burning, power boilers, or other operations conducted at the site of or ancillary to the kraft pulp mill operation. Such ancillary operations must meet standards established in the other Rules and Regulations.

P. REGULATION FOR CONTROL OF WIGWAM BURNERS

SECTION 1

PURPOSE

The purpose of this regulation is to reduce, through established design and operation criteria, the emissions of smoke and particulates from wigwam burners utilized for disposal of wood, bark, or other plant fiber.

SECTION 2

GENERAL RESTRICTIONS

No person shall allow, suffer, cause or permit the discharge of air contaminants into the outdoor atmosphere from any wigwam burner for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

A. Darker in shade than smoke designated at #1 on the Ringelmann Smoke Chart, or

B. Of such opacity as to obscure an observer's view to a degree greater than do emissions designated as #1 on the Ringelmann Smoke Chart (when used as a measure of opacity).

SECTION 3

DESIGN CRITERIA

After July 1, 1972, no person shall allow, suffer, cause or permit any wigwam burner to be operated without:

A. Keeping a continuous recording of the stack exit gas temperatures. Such recordings shall include the operator's name and an explanation for all temperatures below smokeless operation (generally found to be 700-900°F). Such records along with a clean out and maintenance schedule, shall be submitted to the Department of Environmental Protection and Health at such occasions and frequencies as requested from time to time on an individual or class basis.

B. Proper construction - including:

1. A reasonably airtight shell, including conveyor door opening.

2. A forced under fire system to supply sufficient combustion air to all portions of the fuel pile, with individual air outlets designed to provide maximum diffusion and to minimize plugging ash or clinkers.

3. A forced over fire system of such design to encourage air and minimize particulate fallout.

4. A top damper capable of 100% closure.

In excessive problem areas additional measures may be required, including, but not limited to, auxiliary fuel, surge bins and automated controls in order to aid in improving operations where necessary as determined by repeated violations.

SECTION 4

EXCEPTIONS

A. Small burners less that 25' in total height need not measure stack temperature if they can continuously demonstrate compliance with Section 2 of this Regulation.

B. All burners able to demonstrate ability to maintain and operate within the visible limits described under Section 2 and have no apparent fallout problem need not comply with Section 3B.

C. Within one (1) hour of the start of a new fire or during upset conditions as described in Regulation A, Section 5, Compliance with Section 2 of this regulation need not be met.

Q. REGULATION FOR CONTROL OF RENDERING PLANTS

SECTION 1

PURPOSE

The purpose of this regulation is to establish for rendering plants limitations on the emission of odors.

SECTION 2

GENERAL RESTRICTIONS

A. No person shall allow, suffer, cause, or permit the operation or use of any device, machine, equipment, or other contrivance to cook inedible animal or marine matter unless all gases, vapors, and gas entrained effluents from these processes are passed through condensors to remove all steam and other condensible materials. All non-condensables passing through the condensors must then be incinerated at 1200°F for a minimum of 0.3 seconds.

B. No person shall allow, suffer, cause, or permit the installation or operation of an expellor unless it is properly hooded and all exhaust gases are ducted to odor control equipment.

C. No person shall allow, suffer, cause, or permit the installation or operation of a rendering plant unless plant ventilation air is collected and ducted to odor control equipment.

SECTION 3

EXCEPTIONS

A. SUBSECTION C of SECTION 2 shall not apply when it can be demonstrated that without ducting plant ventilation air to the odor control equipment no noticeable odors from the plant can be detected at the property line.

S. REGULATION FOR CONTROL OF SULFUR OXIDE EMISSIONS FROM COMBINED ZINC/LEAD SMELTER OPERATIONS

SECTION 1

PURPOSE

The purpose of this Regulation is to establish a program whereby operators of zinc/lead smelters will take steps to immediately improve air quality in the area surrounding such smelters and attain compliance by July 31, 1977 with all Primary Sulfur Dioxide Ambient Air Quality Standards, and by July 31, 1978 for the Three-Hour Secondary Ambient Air Quality Standard.

SECTION 2

Control of Fugitive Sulfur Dioxide Emissions

(1) The owner(s) or operator(s) of combined zinc/lead smelters located in the Eastern Washington - Northern Idaho Interstate Air Quality Control Region shall utilize best engineering techniques to capture and vent fugitive SO_2 emissions through stack or stacks. Such techniques shall include but not be limited to:

(i) Maintaining and operating all ducts, flues, and stacks in a leak-free condition.

(ii) Maintaining and operating all process equipment and gas collection systems in such a fashion that leakage of SO_2 gases will be prevented to the maximum extent possible.

(iii) Wherever possible, using gas collection systems and/or ducting emissions through the tallest stack or stacks serving the facility.

(2) (i) Compliance with Paragraph (1)(i) and (ii) of this Section shall be achieved as expeditiously as practicable but not later than 6 months following date of adoption of this Regulation.

(ii) The owner(s) or operator(s) of combined zinc/lead smelters shall submit to the Director, no later than thirty (30) days following the date of final adoption by the Board of Health and Welfare, a proposed compliance schedule for compliance with Section II(1)(iii). No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Director, such schedule shall satisfy the requirements of this Paragraph.

SECTION 3

Permanent Control of Sulfur Dioxide Emissions

(1) The owner(s) or operator(s) of combined zinc/lead smelters in the Eastern Washington - Northern Idaho Interstate Air Quality Control Region shall comply with all the requirements of this Section, except as provided in Section IV of this Regulation.

(2) The owner(s) or operator(s) of the combined zinc/lead smelters shall not discharge or cause the discharge of SO_2 into the atmosphere in excess of 1900 pounds per hour - maximum 1 hour average. Such limitation shall apply to the sum total of SO_2 emissions from the combined zinc/lead smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation. Compliance with this Paragraph shall be achieved as expeditiously as practicable but not later than July 31, 1977.

(3) The owner(s) or operator(s) of the combined zinc/lead smelter shall provide interim measures of control, including but not limited to, use of existing SO_2 control system and the application of supplemental control systems, together with an adequate ambient air and meteorological monitoring network.

(4) (i) The owner(s) or operator(s) of the combined zinc/lead smelter shall comply with the compliance schedule specified below:

(a) Effective immediately, apply supplemental control systems and other appropriate interim measures to reduce, to the greatest extent practicable, ground level ambient SO_2 concentrations.

(b) Effective immediately, limit the discharge of SO_2 into the atmosphere by utilizing to the maximum extent practicable all existing sulfuric acid plant controls for both the lead and zinc plants.

(c) Thirty (30) days after adoption of this Regulation, submit a final plan to the Director for meeting the requirements of Paragraph (2) of this Section. Such plan shall be subject to approval by the Director.

(d) July 31, 1975 - Limit SO_2 discharge to a maximum of 1200 tons per any consecutive 7 day period (midnight to midnight). Such limitation shall apply to the sum total of SO_2 emissions from the combined zinc/lead smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation, as measured by the methods specified in Paragraph (6) of this Section. The procedure used to determine the

total emissions for a 7 day period shall be as defined in Section IV (6)(i).

(e) Let contracts or issue purchase orders for emission control systems and/or process modifications by July 1, 1975.

(f) Initiate on-site construction and/or installation of emission control equipment or process change by September 1, 1976.

(g) Complete on-site construction and/or installation of emission control systems or process change by July 1, 1977.

(h) July 31, 1977 - Achieve final compliance with the requirements of paragraph (2) of this Section.

(ii) The owner(s) or operator(s) of the combined zinc/lead smelter shall certify to the Director within fifteen (15) days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) If a performance test is necessary to determine whether compliance has been achieved, such a test must be completed by the final compliance dates listed in III(4)(i). Notice must be given to the Director at least ten days prior to such a test to afford him the opportunity to have an observer present.

(iv) If the owner(s) or operator(s) of the combined zinc/lead smelter are presently in compliance with the requirements of Paragraph (2) of this Section or achieve compliance prior to July 31, 1977, such compliance shall be to the Director within thirty (30) days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare or within thirty (30) days of achieving compliance. If such certification is acceptable to the Director, the applicable requirements of this Paragraph shall not apply to the certified sources. The Director may request whatever supporting information he considers necessary to determine the validity of the certification.

(v) The owner(s) or operator(s) of the combined zinc/lead smelter may submit to the Director, no later than thirty (30) days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare, a proposed alternate compliance schedule. No such compliance schedule may provide for final compliance after July 31, 19//. If approved by the Director, such schedule shall satisfy the compliance schedule requirements of this Paragraph.

(5) The owner(s) or operator(s) of the combined zinc/lead smelter shall install, calibrate, maintain and operate measurement system(s) for continuously monitoring and recording SO_2 emission rates in each stack capable of emitting greater than 50 tons SO_2/ year.

(i) These measurement system(s) shall be demonstrated in accordance with the specification test procedures prescribed by the Director.

(ii) These measurement system(s) installed and used pursuant to this Paragraph shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Director upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(iii) The owner(s) or operator(s) of the combined zinc/lead smelter shall maintain a record of all measurements required by this Paragraph. For each day, beginning at midnight, one hour average SO_2 emission rates shall be calculated per the method specified in Paragraph (6) of this Section. The reuslts of these calculations for each month shall be submitted to the Director within 15 days following the end of each month. The records of such measurements shall be retained for a minimum of two years following the date of such measurements.

(iv) The continous monitoring and record keeping requirements of this Paragraph shall becom applicable nine months following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare.

(6) Compliance with the requirements set forth in Paragraph (2) of this Section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of Paragraph (5) of this Section.

(i) For each stack equipped with the measurement systems required by Paragraph (5) of this Section, one-hour average SO_2 emission rates shall be calculated as follows:

(a) Determine SO_2 concentration and stack gas flow rate measurements for each one-hour period. These measurements may be obtained either by continuous integration of SO_2 concentrations and stack gas flow rate measurements recorded during the one-hour period or from the arithmetic averaged of any reasonable number of of SO_2 concentrations and stack gas flow rate measurements. These measurements shall be taken for each

one-hour period and shall be similarly spaced within each one-hour period.

(b) For the one-hour period, calculate the arithmetic average SO2 emission rate (expressed in lbs. SO2/hour for each stack). Total the average SO2 emission rates for all stacks.

(ii) A violation of the requirements of Paragraph III (2) shall occur whenever the total SO2 emission rate for a one-hour period calculated per Paragraph (6)(i)(b) of this Section exceeds the SO2 emission rate specified in Paragraph (2) of this Section.

SECTION 4

Interim Regulation for Sulfur Dioxide

Interim Regulation for control of sulfur dioxide (SO2) emissions from the Bunker Hill Company lead and zinc smelter located in Shoshone County in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region.

(1) SO2 EMISSION LIMITATIONS. Effective on June 11, 1980, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of subparagraph (b)(1) in regard to the capture of SO2. The requirements governing SO2 gas stream bypass during the annual acid plant maintenance period as provided by subparagraphs (b)(5) and (b)(6) shall become effective on June 11, 1979.

(i) The owner(s) or operator(s) of the smelter subject to subparagraph (b)(1) shall not cause or allow the discharge of gases in excess of:

(A) 2600 parts per million (by volume) SO2 averaged over any hourly running 6-hour averaging period, from any sulfuric acid plant as determined by continuous monitoring equipment specified in subparagraph (b)(1)(iv) and in accordance with the compliance procedures specified in subparagraph (b)(4)(iii). In determining violations of the 6-hour averaging period, no two violations shall contain any common hourly data points; and

(B) 567,000 kg (625 tons) SO2 over a daily (midnight to midnight) running 7-day period as determined by continuous monitoring equipment specified in subparagraph (b)(1)(iv) and in accordance with the compliance procedures specified in subparagraph (b)(4)(iii). The owner(s) or operator(s) shall have the right in any enforcement proceeding to raise the issue of the accuracy of continuous monitoring instruments. Such limitation

is plant wide and shall apply to the sum total of SO2 emissions from the lead smelter main stack and the zinc plant main stack and shall include all excess emissions as defined in subparagraph (b)(2)(i). Except as provided in subparagraph (b)(6)(ii) the emission limitation shall not be exceeded more than once per three (3) month calendar quarter, e.g., January, February and March. Such single excused emission shall be the first exceedence of the 7-day limit in the three month quarterly period. In determining violations of the 7-day limit, no two violations shall contain any common daily (midnight-to-midnight) data points. As provided in Appendix A to this regulation and upon notification by the Enforcement Division Director of the EPA-Region X the plant wide emission limit shall be decreased to not less than 548,000 kg (604 tons) SO2.

(ii) Bypass Prohibition. Except as provided in subparagraph (b)(2)(ii) below, all SO2 gas streams discharged from any zinc plant roaster and from the strong gas exit point on the input end of the lead smelter sinter machine shall at all times be processed in an SO2 removal facility. The owner(s) or operator(s) shall not cause or allow these SO2 gas streams to be discharged to the atmosphere.

(iii) Circumvention. Other than for temporary process control or to temporarily prevent significant equipment damage, dilution air or other extraneous gases shall not be allowed to enter or combine with any process gas normally treated by an SO2 removal facility or with any acid plant tailgas prior to SO2 concentration or flow measurement where the purpose of such combination would be to:

(A) in other than the lead smelter or zinc plant main stacks decrease the concentration of SO2 in such streams;

(B) otherwise adversely effect the operation of any SO2 removal system, SO2 concentration measurement device or gas flow measurement device; and

(C) decrease the concentration of SO2 in gases exhausted from the sinter machine and zinc roasters which will have the effect of circumventing the requirements of subparagraph (b)(2)(ii). The owner(s) or operator(s) must promptly inform the Administrator of any substantial changes in process gas flow which may affect the performance of any SO2 removal facility or measurement device, regardless of the purpose for any such change.

(iv) Continuous Monitoring. The owner(s) or operator(s) shall install and calibrate, and shall thereafter maintain, oper-

ate and periodically test measurement systems for continuously monitoring and recording SO2 emission concentrations, gas volumetric flow rates and gas flow indication in accordance with subparagraph (b)(4)(ii) for the monitoring equipment listed and at the following locations:

(A) Continuously operated SO2 emission concentration and gas volumetric flow rate monitors and recorders located immediately downstream of each acid plant such that the measurement system measures only the tailgas from one acid plant;

(B) Continuously operated SO2 concentration and gas volumetric flow rate monitors and recorders located in the zinc plant main stack;

(C) Continuously operated SO2 concentration and gas volumetric flow rate monitors and recorders located in the lead smelter main stack and the lead smelter acid plant (upstream of the acid plant converter);

(D) Continuously operated gas flow indicating devices which will indicate and record the presence of gas flow in any duct or outlet from the sinter machine where SO2 gas streams normally treated in an SO2 removal facility may be bypassed around such facility and be routed to the atmosphere;

(E) Continuously operated gas flow indicating devices which will indicate and record the presence of gas flow in each of the individual five ducts receiving the bypass exhaust gas from zinc roasters #1 through #5. Each device must be located to monitor the bypass from only one roaster;

(F) Continuously operated gas flow indicating devices which will indicate and record the presence of gas flow in any duct or outlet where a single zinc roaster or combination of zinc roasters exhaust gas streams may be bypassed around an acid plant and routed to the atmosphere; and

(G) Based on a finding that the monitoring equipment specified herein is reasonably deemed to be inadequate to provide for effective regulatory compliance the Administrator may require the owner(s) or operator(s) to install and continuously operate gas volumetric flow rate monitor(s) and recorder(s) in any duct or outlet where exhaust gas may be bypassed around the acid plant(s) and routed to the atmosphere. In the event that such a finding is made by the Adminstrator, the owner(s) or operator(s) agree to install and operate such continuous monitors on or before sixty (60) days after the owner(s) or operator(s) receive such written notification

by the Enforcement Division Director of Region X-EPA.

(v) Continuous Process Monitoring. The owner(s) or operator(s) shall install and calibrate, and shall thereafter maintain, operate and periodically test measurement systems for continuously monitoring and recording process parameters for the monitoring equipment listed and at the following locations:

(A) Continuous temperature monitors located to measure and record the inlet gas temperature at the first and third catalyst beds of each sulfuric acid plant;

(B) Continuously operated monitors which will detect and record the commencement and cessation of concentrate feed entering each zinc roaster. The recorded data from such monitors shall be printed on the same chart as used to record bypass gas flow in subparagraph (b)(1)(iv)(E) and (F) from each individual zinc roaster; and

(C) Continuously operated monitor which will detect and record the commencement and cessation of concentrate feed entering the sinter machine. The recorded data from such monitor shall be printed on the same chart as used to record bypass gas flow in subparagraph (b)(1)(iv)(D) from the sinter machine; and

(vi) Fugitive SO2 Emissions. The owner(s) or operator(s) shall utilize best engineering techniques to capture and vent such fugitive SO2 gases through stacks serving the facility. Such techniques shall include but not be limited to:

(A) Maintaining and operating all ducts, flues and stacks in a leak-free condition;

(B) Maintaining and operating all process equipment and gas collection systems in such a fashion that out-leakage of SO2 gases will be prevented to the maximum extent possible;

(C) Instituting a program to reduce the fugitive emissions from the zinc roasters by reducing the frequency of positive pressure surges in the zinc roasters. This will be accompanied by component replacement, new fans, better operating practices, or other improvements to the integrity of the gas collection system as necessary to attain the Occupational Safety and Health Administration (OSHA) lead standard. This project will be completed on the dates required by the OSHA regulation to meet the lead workplace concentration standard. The estimated reduction in SO2 fugitive emissions is approximately 8 tons per week and after treatment in an acid plant is expected to increase the total SO2 emis-

sions in the zinc smelter main stack by no more than 1 ton per week;

(D) Instituting a program to improve the draft maintained in the sinter machine hooding. This program will include increased maintenance on the strong and weak gas ducts, complete replacement of any mild steel hood material with stainless steel, excluding the last two hood sections which are not subject to high corrosion, and improvements in other system components to achieve 90% collection of the existing fugitive emissions estimated to be 4 tons of SO2 per week. Part of these emissions will be treated in an acid plant so the increase in emissions through the lead smelter tall stack is estimated to be 3 tons of SO2 per week. Such a program is expected to increase the total SO2 emissions from the lead smelter main stack by no more than 3 tons per week; and

(E) Installing and operating a manual and if necessary automatically controlled tuyere air flow control system on both blast furnaces on or before June 11, 1979 (one year after the date of execution of this Agreement). The system is to be designed to eliminate over 90% of the current furnace upset conditions that result in fugitive SO2 emissions. Such a program is expected to increase the total SO2 emissions from the lead smelter main stack by no more than 21 tons per week. The program will be designed to reduce the frequency of blast furnace upset conditions to an aggregate total of less than 3.4 hours per week.

(F) Compliance with the fugitive SO2 emission control program will be judged by Appendix A to this regulation.

(2) EXCESS EMISSION. Effective on June 11, 1980, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of subparagraph (b)(2) in regard to acid plant bypass, excess emissions and equipment malfunction. The requirements governing excess emissions during the annual acid plant maintenance period as set forth in subparagraphs (b)(5) and (b)(6) shall become effective on June 11, 1979.

(i) Definition of Excess Emission. Any SO2 emissions exceeding the limitations specified in subparagraph (b)(1)(i) above shall constitute an excess emission. SO2 gas streams discharged to the atmosphere from any kind plant roaster and from the strong gas exit point on the input end of the lead smelter sinter machine without being processed in an SO2 removal facility shall also constitute an excess emission.

(ii) Presumptively Excused Excess Emissions. Where the owner(s) or operator(s) fully comply with the reporting requirements of subparagraph (b)(2)(iv) and further demonstrate that the conditions specified in subparagraphs (b)(2)(ii)(A) through

(E) below have been met, the bypass of SO2 gas streams around an SO2 removal facility shall be excused. Any excess emissions, whether or not claimed by the owner(s) or operator(s) to be excused excess emissions, may be deemed by the Administrator to violate this regulation where the owner(s) or operator(s) fail to comply with any requirement of subparagraph (b)(2)(ii) or upon a finding by the Administrator that the excess emissions claimed to be excusable by the owner(s) or operator(s) were caused by one or more of the conditions set forth in subparagraph (b)(2)(v)(A) through (C). Excess emissions resulting from the following conditions are presumptively excused:

(A) Process Shutdown Following Acid Plant Breakdown. In the event of a breakdown or malfunction of an acid plant, the owner(s) or operator(s) may bypass the gas stream normally controlled by such acid plant, only for the time period necessary to shutdown the process equipment (zinc roaster(s) or sintering machine) whose SO2 streams woul normally be controlled by such acid plant. Shutdown of the process equipment shall be initiated immediately and the time period to accomplish the shutdown and during which bypass is excused shall not exceed the following:

(1) 15 minutes for the sinter machine except where complete emptying of the sinter belt is required the the time period shall not exceed 60 minutes; and

(2) 30 minutes for shutdown of any single zinc roaster or combination of zinc roasters;

(B) Process Shutdown Following Zinc Roaster Breakdown. In the event of a breakdown or malfunction of a zinc roaster, the owner(s) or operator(s) may bypass the gas exhausted from that individual roaster around an acid plant and to the atmosphere commencing five minutes after concentrate feed ceases to enter such roaster;

(C) Process Startup Following Zinc Roaster Shutdown. During the period when a zinc roaster is restarted following its shutdown the owner(s) or operator(s) may bypass the gas exhausted from that individual around the acid plant and to the atmosphere only as follows:

NOTE: As used in this regulation, in a well designed, operated and maintained acid plant the first catalyst bed must be at or be heated to a minimum temperature of 750 degrees F before the zinc roaster (or sinter machine) the acid plant serves re-starts.

As used in this regulation the term "autothermal operation" is defined as the point in time when the temperature of gases entering the first catalyst bed in the acid plant coverter is at 825 degrees F or when the temperature of gases entering the third catalyst bed is at 750 degrees F whichever comes first.

The owner(s) or operator(s) shall insure that at any time an acid plant is started up sufficient gas will be routed to the acid plant as soon as possible to achieve autothermal operation. Further, the fan supplying gas to the lead smelter acid plant (Fan #6) shall upon start-up of the sinter machine immediately be brought up to full R.P.M. and operating logs maintained to document full RPM flow rate.

(1) If either of the zinc plant acid plants is being restarted the owner(s) or operator(s) may bypass, around an acid plant and to the atmosphere, the roaster exhaust gas only for the time period necessary for a well designed, operated and maintained acid plant to establish autothermal operation; and

(2) If no acid plant is being restarted and if one or more zinc roasters is operating the owner(s) or operator(s) may bypass, around an acid plant and to the atmosphere, the exhaust gas from the individual roaster which is starting-up but only for the time period which ends 15 minutes after concentrate feed commences to enter such roaster;

(D) Process Start-up Following Sinter Machine Shutdown. In the event that the sinter machine has been shutdown, and upon its restart, the owner(s) or operator(s) may bypass the exhaust gas, around the acid plant and to the atmosphere, only as follows:

(1) If the sintering machine has been shutdown for greater than three hours bypass may occur but may not exceed the time period necessary for a well designed, operated and maintained acid plant to re-establish autothermal operation; and

(2) If the sintering machine has been shutdown due to an acid plant component failure and the repair of the acid plant component takes longer than three hours bypass during restart of the sinter machine may occur. Such bypass may not exceed the time period necessary for a well designed, operated and maintained acid plant to re-establish autothermal operation;

(E) Continued Process Operation During Annual Acid Plant Maintenance. The owner(s) or operator(s) may bypass the process emissions around the acid plant and to the atmosphere during the annual acid plant maintenance period only to the extent allowed by subparagraphs (b)(5) and (b)(6).

(iii) Other Excess Emissions. The owner(s) or operator(s) may in the required excess emission report of subparagraph (b)(2)(iv) claim that excess emissions should be deemed by the

Administrator to be excusable. Any excess emission claimed to be excusable under this subparagraph (b)(2)(iii) shall be a violation of this regulation unless and until the owner(s) or operator(s) demonstrate to the satisfaction of the Administrator that such excess emission should be excused. For the purpose of illustration, cited below are categories of other excess emissions which may be excused:

(A) Bypass of gas around SO2 removal facilities where necessary to prevent loss of life, personal injury or severe property damage. (Severe property damage does not include economic losses caused by production losses such as those caused by shut down of the blast furnace or electrolytic zinc processes due to lack of feed material.); and

(B) Sudden and unavoidable excess acid plant tailgas SO2 emissions which are beyond the control of the owner(s) or operator(s). However, excess emissions shall not be deemed beyond the control of the owner(s) or operator(s) if caused by one or more of the following:

(1) Improperly designed acid plant components;

(2) Improperly operated process(es) or acid plant equipment;

(3) Inadequate maintenance of acid plant and/or gas cleaning systems; and

(4) In general, any fluctuations in volume or SO2 concentrations of the acid plant feed gas.

(iv) Excess Emission Report. For any excess emissions, including those covered in subparagraphs (b)(2)(ii) and (b)(2)(iii) the owner(s) or operator(s) shall submit an initial report to the Enforcement Division Director of the EPA - Region X. The report shall be submitted monthly within 15 days from the last day of the prior month. The owner(s) or operator(s) shall also record and maintain other supplemental information as set forth in subparagraph (b)(2)(iv)(B).

(A) The initial report shall contain the following information:

(1) Identity of the gas stream, stack or other point where the excess emissions occurred;

(2) General magnitude of the excess emissions;

(3) Time and duration of the excess emissions;

(4) Nature and cause of such excess emissions; and

(5) Identity of the equipment causing the excess emissions;

(B) The supplemental information shall include the following and if requested be provided to the Enforcement Division Director of EPA - Region X within 30 days of request:

(1) Specific steps taken by the operator(s) to limit the excess emissions and when those steps were commenced;

(2) If the excess emissions were the result of equipment malfunction, the steps taken to remedy the malfunction and to prevent the recurrence of such malfunction;

(3) Specific magnitude of the excess emissions including monitoring data and calculations which describe or may be used in determining the magnitude of the excess emissions;

(4) Maintenance schedules applicable to the equipment causing the excess emissions;

(5) Copies of properly signed contemporaneous operating log sheets; and

(6) Other related documentation as may be reasonably required by the Director to assist him in the evaluation of the excess emissions including any information necessary to make the determinations set forth in subparagraph (b)(2)(v).

(C) Failure of the owner(s) or operator(s) to provide the EPA with a full and complete excess emissions report within a timely fashion, shall constitute a violation of this regulation.

(v) Evaluation of Excess Emission Report. In evaluating the excess emissions, the Enforcement Division Director shall take into consideration, the following:

(A) Whether the air pollution control systems and process equipment were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with best practice for minimizing emissions;

(B) Whether the amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions, and process equipment was shut down within the shortest reasonable time after the SO2 removal facility shut down occurs; and

(C) Whether the excess emissions were part of a recurring pattern indicative of serious deficiencies in, the design, operation or maintenance of, the process(es), the gas cleaning equipment or the SO2 removal facility, including whether prescribed maintenance schedules were followed.

(vi) Nothing in this subsection shall be construed to limit the authority of the Administrator to take any action under Section 303 of the Clean Air Act.

(3) SUPPLEMENTARY CONTROL SYSTEM. Effective on June 11, 1979, the owner(s) or operator(s) of the subject smelter, in addition to meeting the SO2 capture requirements of subparagraph (b)(1) of this paragraph shall employ a supplementary control system (SCS) to the extent necessary to meet National Ambient Air Quality Standards (NAAQS) for SO2 and such other additional control measures as may be necessary, to assure the attainment and maintenance of NAAQS for SO2. The requirements applicable to the SCS program and meeting ambient air quality standards are as follows:

(i) SCS Analysis. On January 18, 1979, the Administrator provided the owner(s) or operator(s) with a copy of an EPA technical analysis of the existing SCS program detailing deficiencies in such program;

(ii) Final SCS Program. Except during the interim period as provided in subparagraph (b)(3)(vii), the final SCS program shall be conducted in accordance with the provisions of an SCS implementation plan and an SCS operational manual, both of which must be approved by the Administrator. The SCS implementation plan shall describe the administrative requirements, personnel staffing, components and equipment of the SCS system. The SCS manual shall describe the circumstances under which, the extent to which, and the procedures through which emissions shall be curtailed to prevent violations of the NAAQS for SO2. Process SO2 emissions shall be curtailed in accordance with the SCS operating manual whenever the potential for violating any NAAQS for SO2 is indicated at any point in a designated liability area (as defined in subparagraph (b)(3)(v) below) by air quality measurements and air quality predictions;

(iii) The SCS Implementation Plan. An approvable SCS implementation plan shall contain (but not be limited to) the following:

(A) A detailed description of the emission monitoring system and the continuous SO2 monitoring network that will be used in the SCS to detect maximum ground-level SO2 concentrations in the designated liability area (DLA). Such description must specify the number, type and ex-

act location of each SO2 monitor and in-stack monitor to be used. An approvable monitoring system/network must include the following:

(1) Except as provided in subparagraph (b)(3)(viii)(C), the continuous SO2 monitoring equipment shall be located at all ambient air points of expected maximum ground-level SO2 concentrations in the DLA provided that if deemed necessary to guarantee attainment and maintenance of standards, monitors may be located in other locations with the approval of the Administrator. [As used in this regulation the term "ambient air" shall be defined in the same manner as that term is defined in the Clean Air Act and regulations promulgated thereunder.] The determination of the locations where maximum concentrations may occur shall take into account all reasonably probable meteorological and process operating conditions, as well as the presence of other sources of SO2 significantly affecting SO2 concentrations in the DLA;

(2) The number and location of sites shall be based on dispersion modelling, measured ambient air quality data, meteorological data and other meteorological information;

(3) The system shall include the use of fixed SO2 ambient monitors and one mobile monitor to be sited as, from time to time, the EPA - Region X may reasonably direct unless the Administrator determines, on the basis of a demonstration by the owner(s) or operator(s) that the use of fewer monitors would not limit coverage of points of maximum concentration or otherwise reduce the capability of the owner(s) or operator(s) to prevent any violations of the NAAQS in the DLA; and

(4) All monitors shall be continuously operated and maintained and shall meet the performance specifications contained in 40 CFR Part 53. The monitors shall be capable of routine real time measurement of maximum expected SO2 concentrations for the averaging times of SO2 NAAQS.

(B) A detailed description of the meteorological sensing network. Such description must specify the number, type and exact location of each meteorological instrument to be used. An approvable network must have an assessment capability adequate to identify conditions requiring emission curtailment to prevent possible violations of the NAAQS. The meteorological assessment capability shall provide all forecast and current information necessary for successful use of the system's

operational manual;

(C) A program whereby the owner(s) or operator(s) systematically evaluates and improves the ability of the SCS to protect against violations of the NAAQS. Such program must be based upon the information contained in the EPA Guideline Document - OAQPS 1.2-036; and

(D) A clear delineation of authority delegated to an appropriate named company official to require all other smelter personnel to comply with the SCS operator's curtailment decisions. The identity of responsible and knowledgeable on-site company personnel who are the qualified SCS operators and are authorized to initiate and supervise the actions that will be taken to curtail emissions shall be listed; such personnel must, upon request, be able and be authorized by the Company to inform the Adminstrator as to the status of the SCS, meteorological and air quality conditions at any time and whether and to what extent the recommendations or determinations of the SCS operator(s) were followed or overridden by any Company official in making any curtailment or operating decision;

(iv) The SCS Operating Manual. An approvable operation manual shall require operation of the SCS to include (but not be limited to) the following:

(A) Prescribed emission curtailment decisions based on the use of real time information from the air quality monitoring network, dispersion model estimates of the effect of SO2 emissions on air quality, and meteorological observations and predictions; [The intent behind this sub-paragraph is set forth in Sub-part D of the recently proposed NSO regulations (44 Fed. Reg. 6283; 6290-6291 (January 31, 1979) and 44 Fed. Reg. 11096; 11097 (February 27, 1979).]

(B) The maintenance and calibration procedures and schedules for all SCS equipment;

(C) The procedures to be followed for the regular acquisition of all meteorological information necessary to operate the system;

(D) The ambient concentrations and meteorological conditions that shall be used as criteria for initiating various degrees of non-discretionary emission curtailment;

(E) The meteorological variables including the thresholds, ranges and combinations of values as to which judgements may be made to anticipate the onset of, and apply, the criteria stated in sub-paragraph (b)(3)(iv)(D) above. Specifically, the maximum emission rates which may pre-

vail under each of these meteorological and air quality situations must be specified. Such emission rates shall be determined by in-stack monitors and shall be the basis for determining whether provisions of the operational manual are adhered to;

(F) The procedures through which and the maximum time period within which a curtailment decision will be made and implemented by the SCS operator;

(G) The method for immediately evaluating the adequacy of a particular curtailment decision, including the factors to be considered in that evaluation;

(H) The procedures through which and the time within which additional necessary curtailment will immediately be effected; and

(I) The procedures to be followed to protect the NAAQS for SO2 in the event of a mechanical failure in any element of the SCS.

(v) Designated Liability Area. The DLA shall be the area within two circles, each with a radius of 10 statute miles (16 kilometers) with the center point of such circles coinciding, respectively, with the main stack serving the lead smelter and the main stack serving the zinc plant. If new information becomes available which demonstrates that the DLA should be redefined, the Administrator shall consider such information and if appropriate, redefine the DLA.

(vi) Consent to Liability. On or before July 11, 1979 the owner(s) or operator(s) shall submit to the Administrator an affidavit signed by responsible company official, empowered to do so, stating that in any judicial or administrative proceeding to enforce this regulation the owner(s) will accept responsibility for violations of the NAAQS for SO2 in areas of ambient air in the DLA as defined by subparagraph (b)(3)(v).

(vii) Interim Conduct of SCS Program. Until the Administrator approves under subparagraph (b)(3)(x) a revised SCS implementation plan and a revised SCS operational manual required under subparagraph (b)(3)(ix)(C), the owner(s) or operator(s) shall conduct the SCS program in accordance with the existing SCS operational manual and the existing SCS implementation plan which has been approved by the Director of the State of Idaho Department of Health and Welfare (IDHW) provided that, upon execution of the consent to liability as required by subparagraph (b)(3)(vi), the existing manual and plan shall be deemed modified by such consent.

(viii) Study Regarding NAAQS. Within the times specified by sub-

paragraph (b)(3)(ix), the owner(s) or operator(s) shall submit a study to EPA - Region X which accomplishes the following:

(A) Demonstrates that the NAAQS for SO2 are being met in all areas of ambient air within the DLA surrounding the smelting complex;

(B) Corrects the deficiencies in the existing SCS operational manual and SCS implementation plan described in the EPA technical study of the present SCS program as described in subparagraph (b)(3)(i) or documents that the EPA study erroneously described such deficiencies;

(C) Demonstrates that ambient SO2 monitors are located (or will be located) in all areas of maximum expected ambient SO2 concentrations that take into account all probable meteorological and operating conditions. For specific locations of maximum expected ambient SO2 concentrations, if the owner(s) or operator(s) can demonstrate in the study that maximum ground-level SO2 concentrations can be predicted through use of alternate techniques then SO2 ambient monitors may not have to be placed at each such respective location. Provided that such respective localities are inaccessible. "Alternate techniques" as used here shall be deemed to be an demonstration through SO2 monitoring and calibrated modelling techniques that the compliance status of each unmonitored location of maximum expected SO2 concentration will be accurately determined from data collected at an alternative monitoring site; and

(D) Failure to timely submit an approvable study shall constitute a violation of this regulation.

(ix) Required Submissions. The following items must be submitted to the Administrator within the time limitations shown:

(A) Within two (2) months following the date of promulgation of the final NSO regulations under Section 119 of the Act, the owner(s) or operator(s) shall submit a study plan for the study required by subparagraph (b)(3)(viii); within one (1) month following receipt of such plan the Administrator will prowide comments to the owner(s) or operator(s) on such study plan;

(B) Within five (5) months following the date of promulgation of the final NSO regulations under Section 119 of the Act, the owner(s) or operator(s) shall submit a final study plan for the study required by subparagraph (b)(3)(viii) which incorporates the EPA coments described in subparagraph (b)(3)(ix)(A);

(C) Within one (1) year following the date of promulgation

of the final NSO regulations under Section 119 of the Act or the final tall stack regulations under Section 123 of the Act (whichever is later), the owner(s) or operator(s) shall submit to the Administrator the NAAQS attainment and SO2 ambient monitor placement study required by subparagraph (b)(3)(viii);

(D) Within eighteen (18) months following the date of promulgation of the final NSO regulations under Section 119 of the Act or the final tall stack regulations under Section 123 of the Act (whichever is later), the owner(s) or operator(s) shall submit to the Administrator an approvable SCS implementation plan and an approvable SCS operational manual which accomplishes the following:

(1) takes into account the placement of SO2 ambient monitors in the areas of maximum expected ambient SO2 concentrations, as specified by subparagraph (b)(3)(viii)(B); and

(2) incorporates the requirements of subparagraphs (b)(3)(iii) and (b)(3)(iv) and which remedies the problems identified in the EPA technical study of the present SCS program as described in subparagraph (b)(3)(i); and

(E) Within twenty-four (24) months following the date of promulgation of the final NSO regulations under Section 119 of the Act or the final tall stack regulations under Section 123 of the Act (whichever is later), the owner(s) or operator(s) shall submit to the Administrator a certification that placement of SO2 ambient monitors is in accordance with subparagraph (b)(3)(viii)(C).

(x) Final Conduct of SCS Program. Upon the Administrator's review and approval of the information submitted under subparagraph (b)(3)(ix)(D, the owner(s) or operator(s) will be required to conduct the SCS program in accordance with a revised SCS operational manual and the revised SCS implementation plan approved herein. Failure of the owner(s) or operator(s) to timely submit an approvable study plan, study, SCS implementation plan or SCS operational manual will constitute a violation of this regulation.

(xi) SCS Violations. During the interim conduct of the SCS program as discussed in subparagraph (b)(3)(vii), failure to curtail SO2 emissions when and as much as indicated by the applicable SCS operational manual or to follow the provisions of the applicable SCS manual and SCS implementation plan shall constitute a violation of this regulation if the NAAQS for SO2 are exceeded as a result of such failure. Upon commencement of the final SCS program as discussed in subparagraph (b)(3)(x), failure to curtail SO2 emissions

when and as much as indicated by the revised SCS operational manual or to follow the provisions of the revised manual and SCS implementation plan shall constitute a violation of this regulation. Any violation of the NAAQS for SO2 in the DLA shall be a violation of this regulation unless EPA determines on the basis of a showing by the owner(s) or operator(s) that:

(A) The smelter owner(s) or operator(s) had taken all emission curtailment action indicated by the SCS operational manual; and

(B) The violation was caused in significant part by emissions of another source(s) which were in excess of the maximum permissible emissions applicable to such source(s).

(xii) Continuing Review of the SCS Program. The owner(s) or operator(s) shall continuously review the design and operation of the SCS program to determine what measures may be available for improving the performance of the system. An annual report shall be submitted to the Administrator by March 1 of each calendar year detailing the results of this review and specifying measures implemented to prevent the recurrence of any ambient SO2 violations.

(4) MONITORING, COMPLIANCE REPORTING AND COMPLIANCE DETERMINATION.

Effective on June 11, 1979, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of subparagraph (b)(4) in regard to monitoring, compliance reporting and compliance determination except where such requirement is to be met in accordance with a separate compliance schedule provided for by this regulation.:

(i) SCS Program. For the SCS program, the owner(s) or operator(s) shall:

(A) Maintain, in a useable manner, records of all air quality measurements made, meteorological information acquired, and emission curtailments ordered (including the identity of the persons making such decisions) during the operation of the SCS. Such records shall be retained for at least two years; and

(B) Submit to the Administrator, on a monthly basis, within 15 days after the end of each month, all measurements made of air quality and all other information regarding the SCS program that the Administrator may request. Such submission shall include a monthly summary indicating all dates and times when a NAAQS for SO2 was exceeded or equalled in the DLA.

(ii) Compliance Monitoring. For compliance monitoring, the owner(s) or operator(s) shall:

(A) SO2 Concentration Monitors. Install, operate and maintain SO2 concentration measurement system(s) in accordance with the performance specifications and other requirements contained in Appendix D to 40 CFR Part 52, and the conditions outlined as follows:

(1) All SO2 monitors shall be operated continuously and each monitor shall take and record at least one measurement of SO2 concentration in each 15 minute period;

NOTE: In the event SO2 measurements cannot be recorded because monitoring equipment was out-of-service for periodic zero adjustment and calibration or maintenance an arithmetic mean shall be used to determine SO2 concentration for a given time interval. 75% of the required data will be considered sufficient to calculate a valid arithmetic average.

(2) The sampling point shall be located at least 8 stack diameters (diameter measured at sampling point) downstream and 2 diameters upstream from any flow distrubance such as a bend, expansion, constriction, or flame, unless another location is approved by the Administrator;

(3) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.645 square meters (50 square feet) or at a point no closer to the wall than 0.914 m (3 ft.) if the cross sectional area is 4.645 sq. m. (50 sq. ft.) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct; and

(4) The SO2 concentration measurement system(s) shall be subject to the manufacturer's recomended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(B) Gas Volumetric Flow Rate Monitors. Install, operate and maintain gas volumetric flow rate system(s) in accordance with the performance specifications and other requirements contained in Appendix E to 40 CFR Part 52

and the conditions outlined as follows:

(1) The monitors are to be operated on a continuous basis and must be located at least 8 stack diameters (diameter measured at sampling point) downstream and 2 diameters upstream from any flow disturbance such as a bend, expansion, constriction, or flange, unless another location is approved by the Administrator.

(2) The sampling point within the duct shall be representative of the average flow in the duct or at the point specified by the instrument manufacturer.

(3) The instrument used to monitor SO2 gas streams which bypass the lead smelter acid plant shall be adequate to disclose the time of the bypass and its duration.

(4) The measurement system(s) shall be subjected to the manufacturer's calibration procedures at intervals recommended by the manufacturer. Records of these procedures shall be made which clearly show instrument readings before and after any adjustments. If manufacturers calibration procedures do not exist procedures will be specified by the EPA.

(C) Gas Flow Indicating Devices. Install, operate, and maintain a system to detect the occurrence of situations when any gas is bypassed around an acid plant as specified in subparagraph (b)(1)(iv) in accordance with the following conditions:

(1) The system design for detecting gas flow shall be approved by the Enforcement Division Director of the EPA Region X;

(2) The device shall be located in each flue or duct where gas may bypass an acid plant;

(3) The system shall be capable of detecting gas flows as low as 5% of the maximum expected flow through each duct; and

(4) The system shall be continuously operated and capable of disclosing and recording the time of the bypass and its duration.

(D) Field Test. All continuously operated instrumentation required herein shall be field tested after installation. If field test requirements are not specified by the manufacturer EPA will provide test requirements. The Administrator shall be notified at last 20 days prior to that start of the field test period, to afford the Administrator the opportunity to have an observer present.

(E) Certification of Monitors. With the exception of the 168 hour break-in period for the SO2 concentration measurement system(s), all SO2 concentration and gas volumetric flow rate and gas flow indicating system(s) shall be recertified by the owner(s) or operator(s) at reasonable intervals as requested by the Administrator (but in no case less frequently than once per year. The Administrator shall be notified in writing at least 20 days prior to any tests associated with this requirement so that he may have an observer present. A report of the results of each test shall be forwarded to the Administrator within 60 days of the completion of each test;

(F) Continuous Data Recorder. The equipment utilized to record the data and parameters measured by continuous monitoring instrumentation shall meet the following requirements or alternate equivalent requirements as the Administrator may require:

(1) Where various parameters are recorded on one strip chart the data must, to the Administrator's satisfaction, be continuously traced and each trace be individually and continuously identifiable when the chart is reproduced. In the event a color coded system of data recording is utilized copies of strip chart recordings submitted to the EPA must also be color coded or include a mathematically reduced tabulation of the data on at least 15 minute intervals;

(2) The scale for all SO2 concentration readings must be set so that the maximum expected readings will be at least 40% of full scale;

(3) The scale for all gas volumetric flow readings must be set so that the maximum expected readings will be at least 80% of full scale; and

(4) Other requirements regarding data reduction and recording may be specified by the Administrator as required to enforce this regulation.

(G) All SO2 concentration, gas volumetric flow rate and gas flow indicating measurement and recording instruments shall be maintained on operational mode and one line at all times except that provision will be made excusing the owner(s) or operator(s) from monitoring during periods when monitors break down due to causes beyond the control of the owner(s) or operator(s). In such an event, the owner(s) or operator(s) shall notify the Administrator within three (3) days of such a break down and provide information as to actions taken during the instrument malfunction period. All strip chart recordings of the instrumentation of subparagraphs (b) (1) (iv) and (b) (1) (v) must be marked once per shift as

to the actual time a selected recorded measurement is being recorded. Quality assurance checks shall be performed on all continuous monitoring instrumentation at the frequency specified by the manufacturer or as otherwise reasonable required by the Administrator;

(H) Mantain, in a useable manner, process strip chart recordings, records of all measurements accumulated by the continuous monitoring systems of subparagraph (b) (1) (iv) and (b) (1) (v) and compliance determination calculations (measurements) of subparagraph (b) (4) (iii) below. Such information shall be retained for at least two years. The Administrator or his authorized representative shall have reasonable access to these records; and

(1) Maintain, in a useable manner, process strip chart recordings, records and operators log sheets of plant operations for a period of at least 2 years. The Administrator or his authorized representative shall have reasonable access to these records.

(iii) Compliance Determination. For compliance determination, the following shall apply:

(A) Acid Plant Tailgas - Continuous Monitors. Compliance with the requirements of subparagraph (b) (1) (i) (A) shall be determined using the continuous measurement system(s) of subparagraph (b) (1) (iv) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (b) (4) (ii). An hourly running six-hour averaging period shall commence at each clock hour and continue for a consecutive six clock hour period. A new hourly running six-hour averaging period will commence at every clock hour. For example, in a given day the following typical hourly running six-hour averaging periods will occur: 2 a.m. to 8 a.m.; 3 a.m. to 9 a.m.; 4 a.m. to 10 a.m.; and 5 a.m. to 11 a.m. et seq. Six-hour average SO2 concentration shall be calculated as of the end of each clock hour for the preceeding six hours, in the following manner:

(1) Divide each 6-hour period into not less than twenty-four (24) equally spaced time intervals;

(2) Determine on a compatible basis an SO2 concentration for each individual time interval. These measurements may be obtained either by continuous integration of all measurements recorded during the time interval or from the arithmetic average of any number of SO2 concentration readings equally spaced over the time interval. In the latter case, the same number of concentration readings shall be

taken in each interval and the readings shall be similarly spaced within each interval; and

(3) Calculate the arithmetic average of all interval concentration measurements in each 6-hour period.

(B) Acid Plant Tailgas - Manual Test. Notwithstanding the requirements of subparagraph (b)(4)(iii)(A), compliance with the requirements of subparagraph (b)(1)(i)(A) shall be determined by using the methods described below at such times as may be reasonably specified by the Administrator. For any acid plant, a 6-hour average SO2 concentration shall be determined as follows:

(1) The test of each acid plant tailgas SO2 concentration shall be conducted while the acid plant is operating at or above the maximum rate at which it will be operated and under such other conditions as the Administrator may specify;

(2) Concentrations of SO2 in emissions shall be determined by using Method 8 as described in 40 CFR Part 60. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling, may be omitted from the overall test procedure;

(3) Three independent sets of measurements of SO2 concentrations shall be conducted during three 6-hour periods for each acid plant. Each 6-hour period will consist of three consecutive 2-hour periods. All tests must be completed within a 72-hour period;

(4) In using Method 8, traversing shall be conducted according to Method 1 as described in 40 CFR Part 60. The minimum sampling volume for each 2-hour test shall be 1.132 cubic meters (40 cubic feet) corrected to standard conditions, dry basis;

(5) The velocity of the total effluent from each acid plant evaluated shall be determined by using Method 2 as described in 40 CFR Part 60 of this chapter and transversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in 40 CFR Part 60. Moisture content shall be determined by using Method 4 except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content;

(6) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point;

(7) The SO2 concentration in parts per million-maximum 6-hour average of each stack is determined by calculating the arithmetic average of the results of the three 6-hour test period each consisting of three 2-hour tests; and

(8) When necessitated by process variables or other factors, changes to the above test procedures may be approved by the Administrator.

(C) 7-Day Emissions - Continuous Monitoring. Compliance with the requirements of subparagraph (b)(1)(i)(B) shall be determined using the continuous measurements system(s) of subparagraph (b)(1)(iv) installed, calibratted, maintained and operated in accordance with the requirements of subparagraph (b)(4)(ii). A daily running 7-day period shall commence at midnight of each day and continue for a consecutive 7-day period. A new daily running 7-day period will commence at midnight of every day. For example, in a given week the following typical daily running 7-day periods will occur: Tuesday (0000 hours) to Monday (2400 hours); Wednesday (0000 hours) to Tuesday (2400 hours) and Thursday (0000 hours) to Wednesday (2400 hours), et seq. The SO2 emission rate for a 7-day period shall be calculated on a daily basis (midnight to midnight) in the following manner:

(1) Divide each 6-hour period into not less than twenty-four (24) equally spaced time intervals;

(2) Determine on a compatible basis an SO2 concentration and a stack gas flow rate measurement for each individual time interval for each affected stack. These measurements may be obtained either by continuous integration of SO2 concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the time interval or from the arithmetic average of any number of SO2 concentration and stack gas flow rate readings equally spaced over the time interval. In the latter case, the number of concentration readings shall be taken in each time interval and the readings shall be similarly spaced within each time interval;

(3) Calculate the arithmetic average (pounds SO2 per hour) of all interval emission rate measurements in each 6-hour period for the zinc plant main stack and the lead smelter main stack and multiply that arithmetic average by the number of time intervals in the 6-hour period; and

(4) Calculte the SO2 emission rate for each consecutive 7-day period (midnight to midnight) by summing the

twenty-eight (28) 6-hour average SO2 emission rates for each stack measured over a 7-day period.

(D) Miscellaneous Source SO2 Emissions. The owner(s) or operator(s) shall perform a manual source test of the SO2 emissions from the zinc fuming furnace and any other SO2 emitting process equipment whose SO2 emissions are not routed through the zinc plant main stack or lead smelter main stack. These emissions will not be used calculating the 7-day SO2 emissions as described in subparagraph (b)(4)(iii)(c) above but must be submitted to the Administrator on an annual basis. The following shall apply to the performance of the manual source test:

(1) Manual source test methods shall be in accordance with the procedures contained in Appendix A to 40 CFR Part 60 and as follows:

(i) SO2 emissions shall be measured by Method 8 sampling train; three runs of at least 60 minutes sampling time per run will constitute one manual source test. The minimum sampling volume for each 1-hour test shall be 1.15 cubic meters (40.6 cubic feet) corrected to standard conditions, dry basis. The analytical and computational portions of Method 8 as they related to determination of sulfuric acid mist, as well as the isokinetic sampling, may be omitted from the overall test procedure.

(ii) Sampling will be conducted at a rate proportional to gas velocity determined according to Methods 1 and 2.

(iii) Two gas samples will be collected during each sampling run, according to Method 3.

(iv) Moisture content of the gas stream will be determined from the weight gain of the Method 8 train impingers.

(v) When necessitated by process variables or other factors, changes to the above test procedures may be approved by the Administrator.

(2) Source tests shall be conducted on or before (twelve months following execution of this Agreement) and at intervals specified by the Administrator but in any event not less than once per year;

(3) The process(es) tested shall be operated at or above the maximum rate at which it will be operated during the year and under such other conditions as the Administrator may specify; and

(4) The Administrator shall be notified in writing at least 20 days prior to any such test so that he may have an observer present.

(5) RESEARCH AND DEVELOPMENT PROGRAM. Commencing on June 11, 1979, the owner(s) or operator(s) of the subject smelter shall comply with the requirements subparagraph (b)(5) in regard to research and development. The provisions of this paragraph are intended to be read together with those set forth in paragraph (b)(6) below regarding bypass of SO2 streams during the annual acid plant maintenance period:

(i) Full Scale Research and Development Program. Except as provided in subparagraph (b)(5)(iii), the owner(s) or operator(s) shall implement a full scale program to capture and control an SO2 gas stream which was not controlled as of September 28, 1978. A qualifying program shall meet the requirements of subparagraphs (b)(5)(ii), (iv), (v), (vi), (vii), and (viii), and shall consist of one of two options:

(A) An SO2 removal facility (flue gas desulfurization system) to capture the weak stream exhausted from the sinter machine; or

(B) Substantially complete recirculation of the sinter machine weak stream and treatment of the resultant gas stream in an SO2 removal facility.

NOTE: Nothing in this regulation shall be construed to relieve the owner(s) or operator(s) from meeting the requirements of the Clean Air Act or regulations promulgated thereunder regarding construction or modification requirements concerning new sources.

(ii) Full Scale System Design Criteria. The following shall constitute the design criteria for the full scale research and development system:

(A) Sinter machine weak stream flue gas desulfurization system:

(1) 95% SO2 capture efficiency as determined by monitoring equipment continuously measuring feed gas SO2 concentration and tail gas SO2 concentration; and

(2) 95% on-line availability;

(B) Substantially complete sinter machine weak stream recirculation:

(1) Not less than 97% partitioning of SO2 generated in

the machine shall be routed to an SO2 removal facility;

(2) Not more than 3% partitioning of the SO2 gas generated in the machine shall be routed to the atmosphere via the tip end gas stream; and

(3) The SO2 capture efficiency of the SO2 removal facility shall not be impaired because of the additional gas captured through utilization of weak stream recirculation.

(iii) Reduced Scale Research and Development Program. The owner(s) or operator(s) may elect not to perform the full scale research and development program as set forth in subparagraph (b)(5)(i), provided that:

(A) The owner(s) or operator(s) notify the EPA - Region X, in writing, of such decision no later than June 11, 1980, and provide a detailed account of the reasons for rejection of the full scale research and development program, including all cost and design information considered in the decision;

(B) The owner(s) or operator(s) immediately submit for the Administrator's approval a substitute research and development program, consisting of construction and operation of a flue gas desulfurization system with a minimum volume operating capacity of 5000 SCFM to treat a portion of the weak gas exhausted from the sinter machine or blast furnace;

(C) Such flue gas desulfurization system is constructed and operated in accordance with the requirements of subparagraphs (b)(5)(iv), (v), (vi), and (viii) within the time periods specified in subparagraph (b)(5)(vii). The following shall constitute the design criteria for the reduced scale research and development system:

(1) 95% SO2 capture efficiency as determined by monitoring equipment continuously measuring feed gas SO2 concentration and tailgas SO2 concentration;

(2) 95% on-line availability;

(3) Continuous measurement instrumentation to monitor and record the following:

(i) System temperatures, pressures and gas and liquid flow rates;

(ii) Feed gas and tailgas SO2 concentration;

(iii) Pressure drop within the system, and

(iv) pH and all other critical flue gas desulfurization operating parameters such as liquid make-up and recirculation flow rates;

(4) To the extent technically feasible sufficient automatic control instrumentation shall be provided such that the system automatically compensates for feed gas excursions in particulate loading, flow rate and SO2 concentration while insuring minimum design criteria are maintained; and

(5) To the extent technically feasible system design and control should be such that correct chemical balance is maintained to avoid scaling, corrosion and equipment malfunction.

(D) The flue gas desulfurization system shall be operated continuously, except during periods of reasonably unavoidable equipment failure in accordance with good engineering practice and in a manner such that the project will result in the collection of information adequate to determine the economic and technological feasibility of a full scale application of such flue gas desulfurization system.

(iv) Evaluation of the Research and Development Program. Effective on June 11, 1979 the owner(s) or operator(s) shall evaluate the research and development program and prepare and submit an annual report to the Administrator by March 1 of each calendar year on the progress of the research and development project and detailing the following:

(A) Capital, operating and other costs of the system;

(B) Disposal of by-products (or waste material) and associated environmental impact;

(C) Energy utilization and related potential effects on energy conservation;

(D) The effectiveness of the system to improve capture of other pollutants of both occupational and environmental significance;

(E) Problems in system design and suggested methods or actual methods undertaken to improve the design including any anticipated scale-up problems;

(F) Maintenance requirements and frequency of system shutdown;

(G) Personnel staffing requirements;

(H) SO2 capture efficiency as impacted by process exhaust gas fluctuations and sinter machine (or blast furnace) shutdowns; and

(I) Such other related technical information as may be reasonably required by the Administrator to assist him in the evaluation of the research and development program.

(v) System Operation. The owner(s) or operator(s) shall install and operate the full scale or reduced scale removal facility, whichever it elects, in accordance with good engineering practice and shall make a good faith effort to operate the project continuously, except for periods of reasonable unavoidable malfunction until the expiration date of the first primary non-ferrous smelter order or until discontinuance is authorized under subparagraph (b)(6)(iii) or by written authorization of the Administrator, and in such manner as will result in the collection of information necessary to determine the economic and technological feasibility of the facility. If technically feasible, system performance must be at the design criteria as specified in subparagraphs (b)(5)(ii) or (b)(5)(iii) subsequent to its initial break-in period.

(vi) Sanctions. Except where the owner(s) or operator(s) have first demonstrated to the satisfaction of the Administrator that due to technical infeasibility design criteria cannot be achieved, departure from the design criteria of subparagraphs (b)(5)(ii) and (iii) (as applicable) above in the final construction or operation of the research and development program, or failure to meet the compliance schedule and reporting requirements, shall constitute a violation of this regulation.

(vii) Research and Development Compliance Schedule. The owner(s) or operator(s) shall comply with the following research and development program compliance schedule:

(A) Complete an engineering evaluation of the full scale and reduced scale research and development systems listed in subparagraphs (b)(5)(i) and (b)(5)(iii) and submit a complete report and data to the Administrator on or before June 11, 1980;

(B) Notify the Administrator of the research and development system and the gas stream to be treated on or before June 11, 1980;

(C) Complete all engineering and design work on the research and development system on or before ten months following the notification of subparagraph (b)(5)(vii)(B) but in any event not later than April 11, 1981. The Administrator shall be provided with a copy of the en-

gineering design for the technique selected;

(D) Award construction contracts for the SO2 capture system on or before fourteen months following the notification of subparagraph (b)(5)(vii)(B) but in any event not later than August 11, 1981. Such award shall be contingent upon a primary non-ferrous smelter order first being issued to the owner(s) or operator(s);

(E) If the full scale research and development system is selected, complete construction of the SO2 capture system and begin acceptance testing on or before March 11, 1982; and complete all start-up and acceptance testing of the SO2 capture system and place such system in service by June 11, 1982; and

(F) If the reduced scale research and development system is selected, complete construction of the flue gas desulfurization system by December 11, 1981 and place such system in service by February 11, 1982.

(viii) Consent to Access. The owner(s) or operator(s) shall submit a binding written agreement, signed by a responsible corporate official empowered to do so consenting to:

(A) Grant the representatives and contractors of the EPA access to any information or data employed or generated in the research and development program, including any process, emissions, or financial records which the EPA determines are needed to evaluate the technical or or economic merits of the program;

(B) Grant physical access to the representatives and contractors of the EPA to each facility at which such research is conducted; and

(C) Grant the representatives and contractors of the EPA reasonable access to the persons in charge of conducting the program on behalf of the smelter owner for discussions of progress, interpretation of data and results, and any other similar purposes as deemed necessary by the EPA.

(6) ANNUAL ACID PLANT MAINTENANCE OFFSET. Commencing on June 11, 1979, the owner(s) or operator(s) of the subject smelter shall comply with the requirements of subparagraph (b)(6) in regard to continued process operation during the period when an acid plant is shutdown for annual maintenance.

(i) Bypass Prohibition. Except as provided in subparagraph (b)(6)(ii), the owner(s) or operator(s) shall not operate the lead smelter sinter machine or any zinc plant roaster when any acid plant(s) serving that process is shut down for maintenance.

(ii) Criteria for Continuing Process Operations. [NOTE: The term "annual maintenance period" as used herein is defined as the period occuring once (or twice if the catalyst needs to be replaced two times a year) per year for each acid plant when various maintenance functions such as catalyst replacement and heat exchange cleaning occur. This period normally lasts less than two weeks.] Excess emissions occuring during the period when the acid plant is shutdown for the annual maintenance period shall not constitute a violation of subparagraph (b)(1)(ii) or be included in the computation of the plant wide SO2 emissions of subparagraph (b)(1)(i)(B), provided that:

(A) The owner(s) or operator(s) commits to install additional SO2 removal facilites and/or performs process changes to capture a gas stream in accordance with the full scale research and development program requirements of subparagraphs (b)(5)(i) and (b)(5)(vii). If at any time the owner(s) or operator(s) elect not to undertake a full scale qualifying project, excess emissions occuring during the period when the acid plant is shut down for any annual maintenance period shall constitute a violation of this regulation;

(B) The owner(s) or operator(s) provide written notification to the EPA - Region X on or before June 11, 1980, that it will perform the full scale research and development program. During the period prior to such notification, excess emissions occurring when the acid plant is shut down for the annual maintenance period shall not constitute a violation of this regulation. Such continued operation while an acid plant is shutdown for annual maintenance shall not in any event exceed 14 calendar days per year for each acid plant for the first 12 months following execution of this Agreement.

(C) Commencing with the first twelve month period after the election of a full scale qualifying research and development system under paragraph (b)(5)(i), and until the system is required to be placed in service under subparagraph (b)(5)(vii), the combined amount of SO2 which is released by reason of continued process operation during the annual acid plant maintenance period for all three acid plants does not exceed the lesser of 14 days for each acid plant per year or (the annual incremental SO2 capture for which the full scale research and development system is designed.

(D) During the period of time commencing when the full scale research and development system is required to first be placed in service under subparagraph (b)(5)(vii) and ending on the expiration date of the first primary non-ferrous smelter order, the following shall

apply:

(1) No process operation is allowed to continue while the respective acid plant is shut down for its annual maintenance period until and unless the full scale system or process change has operated for the time period specified in subparagraph (b)(6)(iii);

(2) During such time period, the full scale system or process change must perform substantially in accord with the system design criteria set forth in subparagraph (b)(5)(ii);

(3) The owner(s) or operator(s) must continue to operate the full scale research and development system beyond the time period described in subparagraph (b)(6)(iii) and until the expiration date of the first primary non-ferrous smelter order; further the system must perform substantially in accord with the system design criteria set forth in subparagraph (b)(5)(ii); and

(4) The combined annual amount of SO2 which is released by reason of continued process operation during the annual acid plant maintenance period shall not exceed for all three acid plants the annual incremental SO2 capture for which the full scale research and development system is designed and operated;

(E) Annual maintenance shall not be performed simultaneously on the lead smelter acid plant and any zinc acid plant or simultaneously on both zinc plant acid plants. If, under subparagraph (b)(5)(i), a sinter machine flue gas desulfurization system is installed, annual maintenance shall not be performed simultaneously on the lead smelter acid plant and the flue gas desulfurization system; further, the sinter machine flue gas desulfurization system shall receive the maximum quantity of SO2 practicable from the sinter machine when the lead smelter acid plant is shutdown. During annual acid plant maintenance at the zinc plant, the zinc plant acid plant which remains in service shall receive the maximum quantity of SO2 practicable from the operating zinc roasters; and

(F) Continued process operation while an acid plant is shutdown for annual maintenance shall not in any event exceed 14 calendar days for each acid plant per year.

(iii) Discontinuance of Full Scale Research and Development Program. In the event that severe and unavoidable production losses are incurred as a direct result of the operation of the full scale research and development system or process change during a full nine month period fo the flue gas de-

sulfurization system or three month period for the sinter machine weak stream recirculation, or upon terms otherwise agreed, in writing, by the Administrator, the owner(s) or operator(s) may discontinue operation of the full scale research and development project provided that:

(A) Notification to the Administrator of discontinuance of such operation shall be given within one month following the expiration of the requisite period. Such notification shall be accompanied by a full written justification of and analysis for the discontinuance; and

(B) Until the expiration date of the first primary nonferrous smelter order, the lead smelter sinter machine and any zinc plant roaster shall be shut down during any subsequent annual acid plant maintenance period.

(iv) Pre-determined SO2 Emissions. For the purposes of determining compliance with the design and operating criteria set forth in subparagraphs (b)(6)(ii)(C) and (D), the quantity of incremental SO2 deemed captured by the full scale qualifying project shall be calculted using a predetermined quantity of SO2 which is emitted in the relevant gas stream prior to installation of such full scale project. The determination of pre-existing SO2 emissions shall be as follows:

(A) For the sinter machine weak stream, a value of 15.7 tons of SO2 per 24 hours of operation shall be used;

(B) For the blast furnace, a value of 18.3 tons of SO2 per 24 hours of operation shall be used; and

(C) On or before June 11, 1980, if the owner(s) or operator(s) demonstrate to the satisfaction of the Administrator, using manual source test techniques, continuous SO2 measurement techniques, or equivalent alternatives, that a different pre-existing SO2 emission value is correct, that value may be substituted for the value(s) listed in subparagraphs (b)(6)(iv)(A) and (B) upon agreement of the Administrator.

(7) VIOLATIONS.

(i) Violations of Provisions. Failure to comply with any provisions of this regulation or with the NSO issued to replace this regulation may subject the owner(s) or operator(s) to enforcement and sanctions as set forth in the Clean Air Act and regulations promulgated thereunder.

(ii) Violations of NAAQS. Nothing in this subparagraph shall be construed to relieve the owner(s) or operator(s) from liability for violations of the NAAQS.

APPENDIX A

Fugitive SO2 Emission Control Program

And Its Impact To Total Plant Emissions

The total plant emission limitation of subparagraph (b)(1)(i)(B) was developed based on historical emission data and included the increase in SO2 emissions from the main stacks that would likely occur as a result of implementation of the fugitive control program described in subparagraphs (b)(1)(vi)(C) (zinc roaster), (b)(1)(vi)(D) (sinter machine), and (b)(1)(vi)(E) (blast furnace). Accordingly, failure of the owner(s) or operator(s) to comply with any of the provisions of the fugitive SO2 control program will be deemed a violation of this regulation. Compliance will be determined as follows:

a. The zinc roaster program of subparagraph (b)(1)(vi)(C) is based on compliance with applicable OSHA lead workplace standards in accordance with the OSHA schedules of compliance;

b. The sinter machine program of subparagraph (b)(1)(vi)(D) must ensure complete istallation of new stainless steel hooding with the exception of the last two (2) sections of the hood which are not subject to high corrosion on or before June 11, 1980; and

c. The blast furnace program of subparagraph (b)(1)(vi)(E) must eliminate 90% of the blast furnace upset conditions (currently occurring approximately 20% of the time). EPA inspection of the blast furnace operation will be made to ensure that upset conditions occur no more than an aggregate total 3.36 hours per any 7-day period. The owner(s) or operator(s) explicitly agree that failure to meet the requirements stated herein at any time subsequent to June 11, 1980 will immediately result in the decrease in the plant wide emissions limit in proportion to the amount of objective was not attained. The proportional formula is shown below:

$$\text{Amount of plant wide emission reduction from the 625 tons per 7-day limit} = 21 \times \left[1 - \frac{33.6 - 2(Hu - 3.36)}{33.6} \right]$$

Where Hu = hours in any 7-day period when the blast furnace is in an upset condition. For the purpose of use in this formula Hu cannot exceed 20.16 hours.

For example, if blast furnace upset conditions occur for 8.36 hours in any 7-day period the plant wide emission limit would be reduced 6 tons per running 7-day period, i.e. the new plant wide emission limit would be 619 tons SO2 per running 7-days.

T. AIR POLLUTION SOURCE PERMITS

LEGAL AUTHORITY

Pursuant to authority granted in Section 39-115, Idaho Code, the Board of Environmental and Community Services hereby adopts the following Regulation for issuing Air Pollution Source Permits; and declares the effective date of this Regulation to be July 1, 1974.

SECTION 1

DEFINITIONS

EEE Permitee - any person or other legal entity which is legally responsible for a source of air contamination of the atmosphere.

FFF Air Pollution Source Permit - a final order issued by the Department which contains specific emission limits and standards for a source in accordance with environmental laws, rules, regulations, and standards of the State of Idaho.

GGG Board - Idaho Board of Health and Welfare.

HHH Director - the Director of the Department of Health and Welfare.

III Notice - defined by Idaho Code.

JJJ Department - Idaho Department of Health and Welfare.

SECTION 2

PURPOSE

The purpose of this regulation is to establish uniform procedures for obtaining an Air Pollution Source Permit. The Air Pollution Source Permit establishes specific standards and limits prescribing the type and quantity of air contaminant a Source is allowed to emit into the atmosphere. These limits shall be consistent with all applicable regulations, or may be more restrictive should source density or other physical conditions require such action. This Permit shall provide, where appropriate, an interim schedule of compliance for those sources which may not be in compliance at the time of issuance.

SECTION 3

PROCEDURE FOR ISSUING PERMIT

A. When the Director believes that any source is emitting or discharging any air contaminant for which an environmental statute, rule, regulation or standard applies, he may:

1. Send a notification, by Registered Mail, to the permittee of that source.

   a. The notification shall state the applicable statute, rule, regulation or standard with which the source must be in compliance and,

   b. State that a hearing will be set, if requested by the permittee within 10 days of receipt of the notification, to consider the applicability of any standards or limits set by the Permit, and

   c. Said notification shall state emission limits and any required action, with corresponding dates, which must be taken by the source in order to achieve or maintain compliance with all statutes, rules, regulations or standards.

   d. In the event the permittee does not request a hearing as provided above and the Department does not wish to hold a hearing, then 30 days after receipt of said notification, the proposed air pollution source permit becomes the final air pollution source permit and shall operate as a final order by the Department.

   e. If a hearing is held, the Director will render a final decision upon the Permit within 30 days after the hearing. At this time, the Director may adopt the entire Permit as originally proposed, and part thereof, or a modified Permit.

2. The Director may amend the Air Pollution Source Permit after issuance to require more restrictive limitations in the event violations continue to exist or more restrictive standards are promulgated by the Board. Amendments shall be made consistent with procedures established in Section 3. A. 1. of these regulations.

3. In the event a permittee cannot meet the requirements of this Permit and the permittee shows a good faith attempt to comply, the Director may, at his sole discretion, adjust the Permit as the equities of the case indicate; provided however, that the permittee's lack of financial resources alone shall not be sufficient reason to adjust any action or limitation. This will be done in accordance with the variance procedure outlined in Regulation A, Section 6.

4. The period of time during which the permit applies shall be determined by the Director and shall appear on the notice.

5. When a single site includes more than one source of air contaminant, a single Permit may be issued including all

sources located at the site. Such Permit shall separately identify each air contaminant source to which the Permit applies. When a single air contaminant source which is included in a multiple-source permit is subject to permit modification, revocation, suspension or denial, such action by the Department shall only affect that individual source without thereby affecting any other source subject to that permit.

6. No person shall construct, install, establish, modify or enlarge any air contaminant source or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources listed in the Air Pollution Source Permit without notifying the Department as required by Regulation A, Section 3-B, Rules and Regulations for the Control of Air Pollution in Idaho.

7. The procedure for issuing an Air Pollution Source Permit shall be consistent with that described in the Administrative Procedure Act for a contested case and the permittee shall be accorded all applicable rights.

8. An Air Pollution Source Permit when issued and effective shall become a final order of the Department and be enforceable in the Courts of Law of the State of Idaho without further administrative proceeding. Whenever an Air Pollution Source Permit becomes a final order of the Department, the permittee shall operate solely within the terms of the permit. Any non-conforming activity shall constitute a violation of the permit and shall be subject to appropriate civil and criminal sanctions available to the Department.

9. The permittee shall provide any and all information requested by the Department to prepare the terms of the permit. Failure to provide requested information or falsification that information shall constitute a violation of these regulations and shall be punishable by appropriate criminal or civil sanctions.